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IMPROVEMENT OF THE FOREIGN SERVICE

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

ON

H. R. 20044

A BILL FOR THE IMPROVEMENT OF THE FOREIGN SERVICE

COMMITTEE ON FOREIGN AFFAIRS

[Committee room, gallery floor, west corridor. Telephone 230. Meets on call.]

LIAM SULZER, of New York, *Chairman*.

IRY D. FLOOD, of Virginia.

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GEORGE W. FAIRCHILD, of New York.

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J. HAMPTON MOORE, of Pennsylvania.

FRANK S. CISNA, *Clerk*.

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IMPROVEMENT OF THE FOREIGN SERVICE.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, March 20, 1912.

The committee met at 10.45 o'clock a. m., Hon. William Sulzer (chairman) presiding.

The CHAIRMAN. Gentlemen of the committee, we will consider this morning H. R. 20044, introduced by me, entitled "A bill for the improvement of the foreign service."

It reads as follows:

[H. R. 20044, Sixty-second Congress, second session.]

A BILL For the improvement of the foreign service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may make all appointments of secretaries in the Diplomatic Service, and of consuls generals and consuls to grades instead of to places, subject to the advice and consent of the Senate in each case.

SEC. 2. That the Secretary of State is directed to report from time to time to the President, along with his recommendations for promotion, or for transfer between the department and the foreign service, the names of those secretaries in the Diplomatic Service and the names of those consular officers or departmental officers or employees who, by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the service.

SEC. 3. That the secretaryships in the Diplomatic Service are hereby graded and classified as follows: Class one, three thousand dollars, secretaries of embassy; class two, two thousand six hundred and twenty-five dollars, secretaries of legation; class three, two thousand dollars, secretaries of legation and second secretaries of embassy; class four, one thousand eight hundred dollars, second secretaries of legation; class five, one thousand two hundred dollars, third secretaries of embassy or legation.

SEC. 4. That the board of examiners for the Diplomatic Service shall be composed of an Assistant Secretary of State, the chief examiner of the Civil Service Commission or such other officer as that commission shall designate, a law officer of the Department of State, and one other officer to be designated by the Secretary of State. The board of examiners for the Consular Service shall be composed of the officer charged with the administration of the Consular Service, the Chief of the Consular Bureau, the Chief of the Bureau of Trade Relations, and the chief examiner of the Civil Service Commission or such other officer as that commission shall designate.

SEC. 5. That the scope and method of the examinations shall be determined by the boards of examiners, but the examinations shall include business experience and ability, the resources and commerce of the United States, with special reference to the development of export trade, international, commercial, and maritime law and history, American history, government, and institutions, and one language other than English. These examinations shall be held at least once annually, and shall be conducted with strict impartiality and without regard to the political or other affiliations of any candidate; and upon their conclusion the boards of examiners shall certify in writing to the Secretary of State the names of those persons whom they have found to be, in their judgment, thoroughly well qualified for the Diplomatic or Consular Services; and the report of the board shall be made public; and the Secretary of State shall at the same time make a public statement of the proportional representation of the different States and Territories in the foreign service.

SEC. 6: That this act shall take effect immediately.

The CHAIRMAN. We will now hear Mr. Carr, of the State Department.

STATEMENT OF WILBUR J. CARR, DIRECTOR OF CONSULAR SERVICE.

Mr. CARR. Mr. Chairman, is there any particular way in which you would like to have me take up this measure?

The CHAIRMAN. Yes; take it up in your own way.

Mr. GARNER. I do not suppose you would mind expressing your opinion as to the constitutionality of the bill before you start in?

Mr. CARR. I have no doubt in my mind about the constitutionality of the Sulzer bill.

Mr. GARNER. That it is constitutional?

Mr. CARR. It is constitutional. It seems to me perfectly unobjectionable on constitutional grounds. We favor it for that reason.

Attempts to reorganize the Diplomatic and Consular Service and place the appointments upon a merit basis have been made from time to time since the beginning of our Government. Aside from the occasional appropriation of salaries for additional posts and the enactment of statutes to correct administrative evils, Congress gave practically no aid in the building up of an adequate foreign service, and all of the improvements effected prior to 1855 were effected by Executive action.

In 1855 an act was passed attempting to grade the posts in the foreign service and provide administrative rules and safeguards. The act was so imperfect in a number of parts that it was reenacted in modified form in 1856, but in no way did it touch the fitness of the personnel of the service. From 1856 to 1895 appointments to the foreign service continued to be made for political and other considerations, with no attempt whatever to determine the qualifications of the persons appointed. In 1895, toward the close of his second administration, President Cleveland, by Executive order, promulgated regulations under which candidates for the lower grades of the Consular Service should be examined to test their qualifications for appointment. These regulations were imperfect and made no attempt to regulate appointments to the higher grades of the service, which were left open, as formerly, to candidates able to bring forward sufficient political influence. Imperfect as they were, these regulations were applied strictly until the close of the administration.

When Mr. McKinley became President, there was the usual pressure brought to bear for foreign-service appointments, with the result that from March 4, 1897, to November 1, 1898, it has been stated that 238 out of a total of 272 members of the Consular Service had been recalled and their places filled by new men. The examination regulations were nominally in force, but the examination in fact was little more than a form.

By this time the value of consular activity to the export trade of the country had come to be realized and commercial bodies and business men began to show an interest in the improvement of the foreign service. As far back as 1895 Senator Morgan, of Alabama, had introduced a bill to classify and grade the posts in the foreign service and to apply civil-service principles to the selection and appointment of officers. Similar bills were introduced at almost every session of Congress thereafter, and each year the movement made great gains, both in the number and the character of the people furthering it.

When Elihu Root became Secretary of State, in 1905, one of his first acts was to draft, in collaboration with Senator Lodge, a bill to classify and grade the consular service, to apply civil-service principles to the selection, appointment, and promotion of officers, and, among other things, to establish a system of periodical inspection of all offices in the consular service. This measure was strongly supported by commercial bodies, newspapers, and magazines throughout the country and was finally enacted into law, minus the provisions regulating selection, appointment, and promotion of officers.

President Roosevelt, by Executive order, promptly promulgated regulations similar to those omitted from the act, and therefore, since June 27, 1906, the consular service has been administered in an entirely nonpartisan manner and according to the strict principles of the merit system.

Later, soon after the beginning of his administration, President Taft, by Executive order, applied similar rules and regulations to the secretaryships in the diplomatic service. Civil-service principles have, therefore, governed the administration of the entire foreign service, with the exception of the heads of missions, since the autumn of 1909.

The result has been: (1) The appointment of officers of a higher average of ability than ever before; (2) a far higher standard of official and personal conduct on the part of the officers; (3) far greater activity, industry, and efficiency than had ever before been known in the foreign service of this country.

The value and efficiency of the foreign service as at present administered has won the highest praise from, first, American business men and commercial organizations that have had occasion to make use of the service; second, from American and others who have come in contact with diplomatic and consular officers in their travels abroad; third, from foreign Governments, as is evidenced by their frequent inquiries in regard to some of the factors which have contributed so much to the efficiency of the American system. Instances of the latter are the system of examinations, the system of promotion upon merit, rather than by seniority or length of service, and the system of consular inspection.

It may well be inquired why, if our service is so excellent under Executive regulations, Congress should be requested to enact a law which embodies little more than the principles of those regulations. The fact is, that no man who may hereafter be elected to the Presidency would probably, of his own accord, desire to relax existing regulations, but the tendency is, at the beginning of each new administration, to bring to bear upon a President, such an amount of political pressure in various forms as to make it sometimes difficult, if not impossible, to avoid a modification of a regulation of the President's own making; therefore, if Congress should, by the enactment of a law embodying the principles of the Executive regulations now in existence, formally express its approval of those regulations, it would enormously strengthen an Executive in not only keeping the regulations in force, but in adding to them whenever the circumstances might make that course advisable.

Moreover, the public, and especially those members of it engaged in commercial enterprise, and especially in foreign trade, are not satisfied with regulations resting merely upon the law of the Execu-

tive, but are demanding that those regulations, at least the essential principles of them, be enacted into law, in order that they may feel sure that the foreign service, to the care of which their interests principally are committed, shall be made up of men of the intelligence, ability, and integrity necessary to insure the proper protection of the enterprises in which their capital is invested.

It may be asked, Does the Sulzer bill furnish the kind of legislation needed? It does, at least for the present. The bill, as drafted, seeks to accomplish three important things: (1) To place upon the statute books the essential principles of the existing regulations regarding examinations and promotions; (2) to grade the diplomatic secretaryships so as to make orderly promotion possible; (3) to authorize the President to make all appointments of diplomatic secretaries and consular officers to grades, instead of to places, similar to the practice in the Army and the Navy. These are the main principles of the Sulzer bill, which is simple in form and easy to understand.

The bill does not seek to compel or direct the President to make appointments or promotions in any specified manner, and, therefore, does not abridge his constitutional right to appoint, with the advice and consent of the Senate, all ambassadors, public ministers, and consuls. On the other hand, it does grade the diplomatic secretaryships and thus provide a basis for orderly promotion, if the President should see fit to direct promotions to be made. It authorizes the President to make appointments to grades instead of to places, which involves, after all, only the consent of Congress (1) to the appointment of a salary by grade instead of by place; (2) an advance agreement by the Senate to confirm nominations by grade as in the case of Army and naval officers. Certainly these things are clearly within the power of Congress to do.

The bill constitutes examining boards to test the fitness of candidates under certain prescribed rules and makes it the duty of the Secretary of State to report the findings of the boards of examiners to the President, but it leaves the President free to accept or reject these findings, for the reason that it might well be claimed that Congress has no power to direct him to accept them. It may be said that the bill makes it morally obligatory upon the President to select his candidates from the eligible list provided by the boards of examiners and that this would operate to abridge his constitutional powers. No one will for a moment assume that any President is anxious to appoint unfit men to the foreign service; therefore, if fitness is to be the qualification for appointment, every President would be only too anxious to have machinery constituted to relieve him in an orderly manner of the details of making certain that candidates finally certified to him for appointment possess the necessary qualifications. The most important thing, however, is that every conscientious President would, upon the enactment of this law, have his hands strengthened by the moral forces of the law.

Another important feature of this bill is the requirement that the Secretary of State shall make public the reports of the boards of examiners and the proportional representation of each State and Territory in the foreign service. There is nothing that insures efficient conduct on the part of a public servant so much as to be obliged to subject his official acts to the scrutiny of the public.

Examining boards, like every other kind of organization, deteriorate if not surrounded by any effective restriction or influence to keep them up to a proper standard. Publicity will do this better than anything else, because, if we know the temper of the public interested in this measure, they do not mean to be trifled with, and may be depended upon to hold the examinations up to a high standard. The proportional representation in the foreign service ought to interest every State and Territory, because nearly all are represented now, and as time goes on, if the existing system is maintained, each State and Territory is likely to have, approximately, its proper proportional representation. Then we should have a foreign service truly representative, instead of one almost entirely filled by men from Massachusetts, New York, Ohio, and a dozen other States, as in the past.

The Sulzer bill, if enacted, would give permanence to the existing system, not in a narrow way, from the standpoint of giving some individual a permanent tenure in a public office, but in the larger way of placing at the disposal of the Government and of the business men of the country a body of professional diplomatic and consular officers—men expert in their calling, acquainted with the subjects with which the foreign service has to deal, and capable of handling questions on those subjects in the most efficient manner. The work of a diplomatic and consular officer is not to be learned well in a night, any more than a man learns to be a great lawyer after a superficial reading of an elementary textbook on the law. The volumes of regulations enacted to govern the acts of the members of the Diplomatic and Consular Service cover fully a thousand pages, and an officer might know the regulations by heart and still be a very inefficient officer in precisely the same way that a surgeon might know his anatomy in the most minute way and be entirely incapable of performing an operation. A good diplomatic or consular officer is made only by technical knowledge plus extended experience. If we need a professional Army and Navy to fight occasionally when our national interests require it, how much more do we need professional diplomatic and consular officers to fight all the time for the things which keep our farmers busy and our factories running full time.

The grading of the diplomatic secretaryships by this bill, if enacted, would make orderly promotion possible. At present a second secretary of embassy transferred to be a first secretary of legation does not know whether he has been promoted or demoted. A second secretary in South America transferred to be a second secretary in Europe, is likewise uncertain as to whether he is being rewarded or otherwise. The result of this condition is dissatisfaction and uncertainty on the part of the officers, under which condition the highest efficiency is not possible. The assumption of regular grades in the secretaryships would make each promotion have a strong moral effect upon the entire service, would increase ambition and enthusiasm, and hence raise the standard of efficiency.

The authorization empowering the President to appoint to grades instead of to places would give to the service an elasticity which it does not now possess, and an officer appointed to a grade would be assignable instantly, in the discretion of the President, without the necessity of waiting for confirmation or complying with all of the formalities that are now required. At present when an officer is transferred or promoted, he is obliged to take an oath, execute a bond,

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and comply with other formalities precisely as if he were entering the service for the first time. Under the bill which it is proposed to enact, these formalities would disappear and the officer would be instantly assignable, as in the Army and the Navy. It is presumed this provision would also enable the President to determine, in his discretion, the place at which an officer should serve; if, not, a provision should be made to cover that point. Under the existing system, the trade of a post may entirely disappear, the need of a consulate may cease to exist, and the Government may go on paying a salary without getting any return therefor, until a bill can be passed through Congress changing the location of the office; likewise, great opportunities for the development of trade or need for the protection of Americans may occur in a place where there are no diplomatic or consular officers and the Executive is without power to assign an officer to the place without first obtaining action by Congress. Experience has shown that from one to five years is required to obtain legislation for a routine change of this kind. Commercial routes are constantly changing, American enterprises in foreign countries are steadily developing, and the officers of the foreign service, if they are to fulfill their mission, should be assignable in the discretion of the President. In no other way can they meet the exigencies that are continually arising in connection with our foreign commercial relations.

Mr. GARNER. Does the same provision of the Constitution authorizing the appointment of consuls, authorize the appointment of judges of the Supreme Court?

Mr. CARR. Yes.

Mr. GARNER. How is that?

Mr. CARR. Consuls are specifically named among those to be appointed by the President with the advice and consent of the Senate and so are judges of the Supreme Court.

Mr. GARNER. Then, under the same policy, would Congress have the authority to make conditions precedent to the filling of the positions in the Supreme Court?

Mr. CARR. No, certainly not; if the conditions should limit the President's power under the Constitution; but in this particular measure, the Sulzer bill, it is not proposed to make conditions precedent to the appointment which would limit the President's authority. This measure proposes among other things to provide machinery for ascertaining the fitness of men for the diplomatic and consular service in a systematic and uniform manner. The President would not be bound to appoint only men whose qualifications had been so determined, but in practice he would do so.

Mr. GARNER. All right. Could Congress say, before a man could be appointed on the Supreme Bench of the United States, we will say, that he must be a professor in a law school for a year, or go through an examination before a bar association of some State?

Mr. CARR. I think Congress might say, "There shall be a board of examiners——"

Mr. GARNER. For members of the Supreme Court?

Mr. CARR. "Who shall ascertain the fitness of candidates for the Supreme Court?" It would in no sense restrict the President's power to appoint any more than public opinion restricts that power.

Mr. GARNER. Now, Mr. Carr, suppose Congress should do such a foolish thing as to provide a board of examiners to examine prospec-

five appointees for a position on the Supreme Court, and the President should not see proper to be governed by the board, and should appoint somebody else. Constitutionally, would he not have that power?

Mr. CARR. Certainly.

Mr. GARNER. So that even with this measure it is merely discretionary with the President as to whether or not he will obey the direction of Congress in this instance?

Mr. CARR. Certainly, if you look at it in a strictly legal way; but if you look at it in a practical way, it must be apparent that no President would ignore a measure of this kind enacted by Congress, supported by strong public sentiment, and designed to aid him in maintaining a thoroughly efficient foreign service by legalizing a method of testing the qualifications of persons who wish to be appointed to diplomatic and consular posts abroad.

Mr. GARNER. Yes, sir. Then on account of the Constitution having given him that power, Congress can not direct him otherwise?

Mr. CARR. Yes; but, as I see it, this measure does not propose to direct him otherwise. It is proposed to furnish the machinery which any President would be glad to use to ascertain in a uniform and systematic manner the qualifications of candidates for the foreign service, and it does not propose to take away any function now given the President by the Constitution.

Mr. GARNER. But it does propose to restrict him in the selection of men for these places, whom the Constitution has delegated to him the power to appoint.

Mr. CARR. No; this measure does not propose to restrict the President in any way, but it proposes to require certain things to be done in a uniform and systematic manner to aid the President in appointing officers of the foreign service.

Mr. GARNER. Is not this matter directory, or mandatory?

Mr. CARR. It is directory or advisory.

Mr. KENDALL. There is an implied obligation on the part of the President?

The CHAIRMAN. Exactly.

Mr. CARR. There is an implied obligation on the part of the President to appoint only those found to be qualified; but he may determine the qualifications in some other way if he should see fit to do so. If Congress should approve this measure, however, I doubt whether any President would wish to disregard it.

Mr. GARNER. Let me ask you this question. Let us suppose, as I asked Senator Root when he was before this committee five or six years ago, let us suppose—which is not an impossible thing at this time—which he suggested at that time was an improper thing, that you should fill the consular offices as they are filled now, under this law, when a new President was elected, of a different political party, would he not have the power, under the Constitution, to remove every consul and fill his place with whom he wants to?

Mr. CARR. I do not think there is any doubt about that. But with the sentiment of the country expressed in a measure such as this, approved by the people's representatives in Congress, I do not think we should meet with that condition.

Mr. GARNER. Then you are passing a law here undertaking to put men into the consular service?

Mr. CARR. No, this law does not propose to do anything of the kind. The measure proposes to provide such machinery as will enable the President to select the best men for appointment to the Diplomatic and Consular Service.

Mr. FLOOD. If that law has any effect at all, that will be the effect?

The CHAIRMAN. If this bill were a law, Mr. Carr, it would not be mandatory, but the President would be under obligations to carry it out in so far as it were possible?

Mr. CARR. Certainly, because it would express the views of the people through the legislative body and the views of one branch of that body which must consent to every foreign-service appointment the President makes.

The CHAIRMAN. And especially so where the public sentiment of the country is overwhelmingly in favor of the legislation?

Mr. CARR. Precisely.

Mr. FLOOD. But it would be a great embarrassment to a President who desired to stand on his constitutional rights. Do you not think so?

Mr. CARR. But it is not proposed that he shall do anything except that which the Constitution empowers him to do. The bill seeks to accomplish three important things: (1) To give the force of law to existing regulations applying the merit system to appointments and promotions in the Diplomatic and Consular Service; (2) to grade the diplomatic secretaryships so as to make orderly promotion possible; (3) to authorize the President to make all appointments to grades instead of to specific places, similar to the practice in the Army and Navy.

Mr. FLOOD. Do you not think it would be more embarrassing for him to ignore an act of Congress than the regulations of his predecessor?

Mr. CARR. I think it would be a little more embarrassing.

Mr. FLOOD. It seems to me it would be embarrassing to the next administration.

Mr. CARR. I do not think so, especially as the existing executive regulations have been in force for several years, and there is a great deal of sentiment in favor of it.

Mr. FLOOD. This committee has refused to report any such bill.

Mr. CARR. I beg your pardon, this committee reported a bill a year or so ago, containing practically all the principles contained in this bill.

Mr. FLOOD. Congress did not enact it?

Mr. CARR. Congress did not enact it, but this committee reported it as a constitutional measure.

The CHAIRMAN. That was the Lowden bill?

Mr. LINTHICUM. Congress appropriates the money to pay these men?

The CHAIRMAN. It does.

Mr. LINTHICUM. Has not this committee some control?

Mr. GARNER. In other words, if Mr. Cullop's amendment should provide that the President must send down his indorsements of Supreme Court judges when he appoints them, then it is constitutional?

Mr. KENDALL. I would not agree—

The CHAIRMAN. Suppose we now allow Mr. Carr to proceed with his statement.

Mr. LINTHICUM. The point I was trying to make out was that if Congress appropriates the money for the payment of these men, these consuls, and the President did not choose to conform to the wishes of Congress, could it not regulate it through the payment of salaries?

Mr. KENDALL. No; we will have to repeal this law.

Mr. LINTHICUM. Congress could demand that the President live up to the statute, or it would not appropriate the salaries.

The CHAIRMAN. Now, Mr. Carr, proceed.

Mr. CARR. On the constitutional point as to whether Congress may enact such a measure, our law officer has examined into the matter, and I submit for the information of the committee a memorandum by the Solicitor of the State Department on the first section of the bill, in which he holds that the provision authorizing the President to make appointments to grades instead of to places is constitutional.

The report referred to is as follows:

OPINION OF THE SOLICITOR FOR THE DEPARTMENT OF STATE, DATED MARCH 13, 1912.

Section 1 of Mr. Sulzer's bill (H. R. 20044) provides:

"That the President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of to places, subject to the advice and consent of the Senate in each case."

The section of the Constitution of the United States providing for the appointment of officers in the Diplomatic and Consular Service reads as follows:

"The President * * * shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." (Art. II, sec. 2.)

It is to be noted that Mr. Sulzer's bill is not an effort on the part of Congress to hamper or control the President's constitutional power of appointment. It provides that the President may make appointments of certain officers in the Diplomatic and Consular Service to grades instead of to places, and does not purport to be in any sense mandatory upon the President.

It does not raise the constitutional question whether Congress has the power to compel the President to make appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of to places subject to the advice and consent of the Senate; it does not raise the question whether the President has this power irrespective of congressional authorization; nor does it raise the question whether this is a matter for consideration alone of the President and the Senate. It does not purport to be more than an expression by Congress to the effect that it will not object to the President's nominating these officers in the future to grades instead of to places. It is the establishment of a method that should be established by common consent of both the President and Congress, for while, as Attorney General Cushing says, the President has power by the Constitution to appoint diplomatic agents of the United States of any rank at any place and at any time in his discretion, subject only to the constitutional condition of the relation to the Senate, yet it would be very difficult for the President otherwise to break away from the established practice under which for years he and his predecessors have been expected by Congress to make appointments. Any change in this respect should come by general consent. If congressional authorization for the change is necessary it is here given; if it is not necessary then this is an indication on the part of both Houses of Congress of their approval of a change in the long-established manner of making appointments.

In acts of Congress relating to our Diplomatic and Consular Service there appear to be precedents for the action contemplated by section 1 of Mr. Sulzer's bill. In expressing his opinion of that provision in the act of 1855, entitled "An act to remodel the diplomatic and consular systems of the United States," which provides that "the President shall appoint no other than citizens of the United States who are residents thereof or abroad in the employment of the Government at the time of their appointment." Attorney General Cushing asserted that this, like some other things in the act, must be deemed directory or recommendatory only and not mandatory, as the

limit of the range of selection for the appointment of constitutional officers depends on the Constitution. It may, however, be observed that as a matter of practice the President appears generally to have appointed only citizens to such offices, at least to the diplomatic and principal consular offices.

The act of Congress approved April 5, 1906, authorized the President, by and with the advice and consent of the Senate, to appoint five consuls general at large with power in the President to assign these officers to duty in any part of the world where the public interests require. The President may authorize any consul general at large to suspend the consul or consul general and administer the office in his stead.

In enacting this legislation providing that the President might appoint these consular officers to the grade of consuls general at large, Congress appears to have done the precise thing which is provided for in section 1 of Mr. Sulzer's bill.

Mr. GARNER. Is that Mr. Clark, the solicitor?

Mr. CARR. Yes, sir. There is no doubt that this measure is a popular measure. There is no doubt it has wide support in this country. I happen to have here some letters that have come from various bodies in this country—for instance, the Chamber of Commerce of the City of New York, the Board of Trade and Transportation, National Boot and Shoe Manufacturers' Association, the Baltimore Chamber of Commerce, the Merchants' Association of New York, and many others—advocating the passage of the measure. There are also many editorials from the principal New York newspapers, papers out in the Middle West, and in the South, all advocating the enactment of a measure of this kind, as tending to bring about a higher standard of efficiency in the foreign service, by having only such men appointed as shall have passed a satisfactory examination to determine their fitness.

Mr. DIFENDERFER. Has not the President that power now?

Mr. CARR. He has that power now and is determining the fitness under executive regulation.

Mr. GARNER. Then why should there be such a clamor for that law?

Mr. CARR. The clamor for that law arises from the belief of the public that if the legislative branch of the Government should by such a measure as the Sulzer bill formally approve the regulations already promulgated by the executive branch of the Government it would more than likely insure the permanency of the existing system.

Mr. GARNER. And be binding on the next President?

Mr. CARR. Now, there is a point right there that I think I ought to bring out, showing the operation of these regulations, showing that they do not operate to bring into the service any particular class of men from any particular section of the country, but they bring about a more representative service than any system we have formerly had. For instance, in 1906, when these regulations were first adopted, the number of men in the foreign service from the Southern States was 51; in 1912, remembering that there has been a Republican administration continuously since that time, the number is 103, showing the impartial character of appointments to the service.

Mr. FLOOD. That is in the Consular Service?

Mr. CARR. In both diplomatic and consular.

Mr. FLOOD. What is the total number in the Diplomatic and Consular Service?

Mr. CARR. The total number at the present time is 463.

Mr. DIFENDERFER. How many of those are foreign born and not natives of the United States?

Mr. CARR. I think they are all natives of the United States; certainly they are all citizens of the United States. Some of them are naturalized citizens, but all are citizens, and nearly all natives. As a matter of fact, under the existing regulations, no one may be examined who is not a citizen of the United States.

Mr. DIFENDERFER. That was not so formerly.

Mr. CARR. That was not so formerly. Our service was made up very largely of foreigners.

Mr. DIFENDERFER. My experience abroad has taught me to believe that they were, quite a number of years ago, all foreign-born people who were not naturalized.

Mr. CARR. That was practically true. At the present time the foreigners in the service are limited to subordinate consular agents, where the compensation is not sufficient to attract Americans, and to some of the subordinate clerks. Through the generosity of Congress in the matter of appropriations in the last few years, there has been much progress made in the Americanization of all those subordinate places.

Mr. FLOOD. It was probably changed by the consular act of 1906.

Mr. CARR. Yes. That act provides that no one shall be appointed to a place paying \$1,000 who is not an American.

Mr. GARNER. Mr. Carr, may I ask you, with reference to your examination, to which you have referred, whether you have a written and an oral examination?

Mr. CARR. We have a written and an oral examination.

Mr. GARNER. If a man makes good in the written examination, and he falls so far behind in the oral examination, he loses out, does he not?

Mr. CARR. He does.

Mr. GARNER. Then it is a mere matter of discussion, when a fellow has taken a written examination and makes a high record, somebody may come in and look him over, and if he happens to be red-headed or bald-headed, and has eyes of blue or black, or whatever you might call it, you decide then that he will not do, and bring him below?

Mr. CARR. We endeavor in the oral examination to test a candidate's alertness of mind, his judgment, discretion, and to pass upon his disposition, personal appearance, and other qualities that would enter into the making of an efficient officer. If you were employing a man to run your business for you, you would decide by looking him over whether he was the kind of man you needed, and not depend alone upon a written examination to test his educational qualifications. You would look into the question of his personality.

Mr. GARNER. Take his personal appearance?

Mr. CARR. Yes; his manner, address, judgment, temperament. We also determine how well he can speak a foreign language. Some men can write a foreign language and can not speak it.

Mr. GARNER. It does leave you very great latitude for the exercise of your judgment as to whether you will take a man in after he has passed a mental examination?

Mr. CARR. It leaves considerable latitude, and properly so. It is so far above the old way of doing things, however, that there is no comparison whatever.

Mr. FLOOD. Your service has been greatly improved under the new system?

Mr. CARR. The service has been greatly improved under the new system. It is many times as efficient as the old service.

Mr. FLOOD. The better way to do would be to let him get through with his physical examination first?

Mr. CARR. A candidate does get a physical examination at the time he takes his oral examination, because it is useless to send him abroad if he should have a bad heart, for example, or in other respects physically unable to render good service.

Mr. LINTHICUM. Following along the line of Mr. Garner's question: There was a gentleman from Baltimore, Mr. Carter, who had been a long time in the service—I presume you read his criticism of the action taken in forcing him out of the department, did you not?

Mr. CARR. I saw something of it in the newspapers.

Mr. LINTHICUM. Upon what theory could a man of that kind be forced from the department, after having served many years?

Mr. CARR. Be forced out?

Mr. LINTHICUM. That was his claim.

Mr. CARR. I know nothing about the case.

Mr. LINTHICUM. His claim was this, that he was appointed to Argentina, and not being a man of large means, and that being a very expensive country, he was unable to accept the post, believing that having been in the service for so many years, having served with great ability, that he would be given some post where he would be able to live and maintain his family. He claimed he was forced out of the service in that way. I might say that he was a Democrat, and his people had been so a great many years. I should like to know upon what theory a man of that kind would be treated in that way?

Mr. CARR. As I said, I do not know anything about the facts of this particular case. I can conceive of some circumstances, under which a man having been assigned to a post, and declining to go to that post, might not be able to be given another post. I can say positively, however, that the question of his being a Democrat or a Republican or a Populist had nothing whatever to do with it.

Mr. GARNER. May I ask you, Mr. Carr, since that matter has been brought up—it might just as well go into the record. You had a gentleman from Texas take an examination; he was one of the leading Democrats of that State. He was a graduate of the University of Texas, of the University of Oxford, and spoke five different languages. He stood his examination all right, but he did not get into the service; I do not know what was the cause of it. His red hair, or something kept him out of the service.

Mr. CARR. I can assure you there is nothing in the examination against red-haired people. A man might well have all the education you mention and still not be suitable for appointment to the foreign service.

Mr. GARNER. He did not get into the service, and I could not imagine what kept that gentleman out of the service.

Mr. CARR. It was the unanimous judgment of the examiners that he would not be a useful officer. I happen to remember that at that same examination another Texan did pass. You will recall that you spoke to me about these two men.

Mr. GARNER. He happened to be a most excellent Republican, and happened to have the indorsement of the State chairman of the Republican executive committee.

Mr. CARR. Of course the examiners took no note of those facts. Frankly, until you mentioned it, I did not know who had recommended the gentleman. That leads me to make this remark, that in these examinations the men are known by number, and that in nearly every case they are unknown absolutely to the board of examiners until after their written examinations and their oral examinations have been passed upon and final ratings made. The identity of the man is known only when the examination is finished and the examiners rate the papers. I happen to be a member of the board of examiners, but this is my first knowledge of the politics or indorsements of the candidate of whom you speak.

Mr. GARNER. I do not want to be put in the attitude of criticizing, for I do believe that the department that now has charge of the Consular Service is more efficient than it has been at any time of which I have any knowledge, and I believe your process is better than any process heretofore used, but I do believe that there are some of the most efficient men refused and some others of an entirely inferior quality received.

Mr. DIFENDERFER. I would like to ask this question: So far as the efficiency of the service is concerned, can any excuse be offered for an American consul in a foreign country not knowing that an American citizen was imprisoned 14 months in the same locality in which the consul resided?

Mr. CARR. Oh, yes. It might well happen that a man might be put in prison and the consul know nothing about it, for the reason that in some countries all questions of arrest and imprisonment are more or less a secret.

Mr. DIFENDERFER. Do you regard that as being so in the Panama Canal Zone?

Mr. CARR. Not ordinarily; no.

Mr. DIFENDERFER. I understand that to be the fact. I personally went to see the consul at Colon in regard to a man who had been imprisoned for 14 months and another 9 months, and the consul had no record of it at all. Do you think that would be possible with an English consul?

Mr. CARR. I think so. I think it is the testimony of people who have every reason to know that the English consuls are not as efficient as ours.

Mr. DIFENDERFER. The general impression abroad is that they are more diligent.

Mr. CARR. The impression at home, Mr. Difenderfer, in England, is that the American consuls are far and away ahead of the English. You may read the English newspapers and you will find that the American Consular Service shows up very creditably.

The CHAIRMAN. Please proceed, Mr. Carr. There are other gentlemen present who desire to be heard.

Mr. CARR. As to this bill which proposes to incorporate into law the existing regulations, it would bring about a perfectly nonpartisan service. The political affiliations or preferences of any candidate are never inquired into, and, as a rule, are never known by the appointing power. During my experience, since 1906, no Secretary of State and no President has ever said, "Is this man whom we propose to appoint, a Republican or a Democrat." They have asked only the question as to the man's qualifications, and whether the State of

South Carolina or the State of New York had its quota filled, or whether it was still entitled to an appointment.

The CHAIRMAN. How do you determine the quota?

Mr. CARR. By population.

The CHAIRMAN. Explain that.

Mr. GARNER. Texas is short.

Mr. CARR. Texas is short, for the reason that Texas has not sent up a sufficient number of men qualified to pass the examinations. The Secretary of State has made special efforts to have Texas send up additional men.

Mr. GARNER. We will send in a couple of good ones.

Mr. FLOOD. How is Virginia?

Mr. CARR. Virginia's quota as pretty well filled up.

Mr. KENDALL. It ought to be taken into account the number of people each State has in other branches of the civil service. The whole Capital is filled with people who live in Virginia, and work in all departments of the Government.

Mr. GARNER. If you use that basis you will have to take two train-loads from Texas.

The CHAIRMAN. I understand that the whole Senate is loaded up with public servants from Iowa.

Mr. LINTHICUM. I would like to say that Maryland was not ignored in this Argentina appointment. Mr. Garrett was appointed. He was a man of considerable means and able to fill that position.

Mr. CARR. Maryland has not been ignored in the last few years.

Mr. LINTHICUM. No; I think not.

Mr. CARR. The next point is that this bill would secure an equitable distribution of appointments among the different States. The representation in the South was 51 in 1906; in 1912 it was 103, showing that a large number of southerners were appointed. I do not know what their politics are. I do know that they came up with the indorsement of the Senators for the reason that the indorsement or consent of the Senators is ordinarily obtained by candidates to make certain in advance that the Senators will consent to their appointment provided they pass the examination.

Mr. GARNER. I know, from my own knowledge, that where a man is of good character, the Senators have indorsed him, and for that reason if his name is sent in, they would urge no objection to his confirmation. I think that would be the position of every Senator, regardless of a man's politics. The President having the constitutional right to appoint a man, no Senator would think about holding it up, merely on account of politics.

Mr. FLOOD. That is not what Mr. Carr means. He means before the appointments are made, the Senators indorse them.

Mr. GARNER. The Senators indorse them to this extent, if a man has a good character and is worthy of appointment.

Mr. CARR. It is just an indication that the Senator knows of no reason why the men should not be appointed and that the Senator will consent to the appointments in case the President should nominate the men.

Mr. KENDALL. Inasmuch as it is the policy to distribute the representation among the various States according to population, have you any data to indicate what the representation for Arkansas is?

Mr. FLOOD. Have you not a document which shows that?

Mr. CARR. Yes.

Mr. FLOOD. Can you not file that?

Mr. CARR. That is in the department.

The CHAIRMAN. We will have Mr. Carr put that in the record—the number from each State at the present time and the number due according to the population of the State. Proceed, Mr. Carr.

Apportionment of diplomatic and consular appointments by States and Territories.

State.	Diplomatic.		Consular.	
	Due.	Actual.	Due.	Actual.
Alabama.....	2.48		8.51	3
Alaska.....	.11		.37	
Arizona.....	.22		.74	1
Arkansas.....	1.84		6.50	
California.....	2.81	4	9.62	14
Colorado.....	.97		3.33	2
Connecticut.....	1.30		4.44	7
Delaware.....	.22	1	.74	
District of Columbia.....	.43	9	1.48	16
Florida.....	.87		2.90	1
Georgia.....	3.02		10.36	4
Hawaii.....	.22		.74	1
Idaho.....	.43		1.48	1
Illinois.....	6.56	9	22.57	23
Indiana.....	3.13	2	10.73	11
Iowa.....	2.59	1	8.88	11
Kansas.....	1.94	1	6.66	4
Kentucky.....	2.70	3	9.25	5
Louisiana.....	1.94	4	6.66	3
Maine.....	.86	1	2.90	6
Maryland.....	1.51	4	5.18	2
Massachusetts.....	4.00	7	13.69	22
Michigan.....	3.24	2	11.10	10
Minnesota.....	2.48	3	8.51	9
Mississippi.....	2.05	2	7.03	3
Missouri.....	3.89	3	13.32	13
Montana.....	.43		1.48	1
Nebraska.....	1.40		4.81	5
Nevada.....	.11	1	.37	
New Hampshire.....	.54	1	1.85	4
New Jersey.....	3.02	2	10.36	6
New Mexico.....	.43		1.48	3
New York.....	10.69	16	36.63	35
North Carolina.....	2.59		8.88	5
North Dakota.....	.65		2.22	2
Ohio.....	5.62	5	19.24	26
Oklahoma.....	1.94		6.66	3
Oregon.....	.76		2.59	3
Pennsylvania.....	8.96	10	30.71	28
Rhode Island.....	.65	2	2.22	3
South Carolina.....	1.73	1	5.92	8
South Dakota.....	.65	1	2.22	2
Tennessee.....	2.59		8.88	9
Texas.....	4.54	1	15.54	3
Utah.....	.43		1.48	1
Vermont.....	.43	1	1.48	4
Virginia.....	2.38	4	8.14	9
Washington.....	1.30	4	4.44	3
West Virginia.....	1.40	1	4.81	5
Wisconsin.....	2.70		9.25	9
Wyoming.....	.22	1	.74	

Mr. CARR. Arkansas has one representative.

Mr. KENDALL. Could you approximate the number she is entitled to?

Mr. CARR. I could not, offhand. I do know this, that so anxious has the department been to have all the States represented in the foreign service that at various times requests have been made of educational institutions and of Senators of the States to suggest candidates for examination.

Mr. FLOOD. On account of the great development going on in the South this is not much of an inducement to southern men.

Mr. CARR. A relatively smaller number of southern men apply for admission to the service.

Mr. FLOOD. They have better opportunities at home.

Mr. CARR. I have given you the increase in the representation from the South. The increase in the representation of the States west of the Mississippi has been from 78 in 1906 to 110 in 1912.

The next point I want to make is that the regulations to be confirmed by this legislation make the foreign service a democratic service, because it opens up the service to practically all applicants. There is a senatorial indorsement, but that indorsement is merely for the purpose of effecting an agreement between the Executive and the Senate, which has to confirm nominations, making that agreement in advance.

Designations for examination are entirely nonpartisan, based entirely upon the evidence of fitness of the candidate, as shown by his application. Candidates are unknown to the board of examiners, as a rule, prior to the examination, and no question of partisanship enters into the examination.

The next point is that the service under these regulations shows far greater efficiency than under the former system, because, in the first place, the fitness of candidates is carefully ascertained by an impartial examination. Candidates are so far sifted out that only about 30 per cent of them pass the examinations. Thus we start in with good men. Then, the present system insures that each man going abroad as a diplomatic or consular officer shall know the language of the country in which he is to serve. This in itself is a tremendous factor in the making of an efficient service, for it enables the officers in most places to deal directly with the people instead of being forced to rely upon a native clerk or interpreter.

By making merit and efficiency the sole basis of retention and of promotion there has been brought about greater activity, greater industry, and a far higher standard of efficiency throughout both branches of the service. Promotion is invariably determined upon efficiency records, made up from information from all sources as to the work that an officer has done and his conduct in the service. Some idea of the increased activity of the service since these regulations went into effect, may be seen from a statement that the reports of diplomatic and consular officers on trade and industrial subjects numbered in 1906 only about 4,500, while in 1911 this class of reports reached the large number of 22,000, most of which have been published for the information of our manufacturers and exporters. Commercial letters, containing invaluable information for business men in this country numbered only a little more than 3,000 in 1906; in 1911 they numbered more than 17,000. Work of this kind is of great importance to business men and especially to those engaged in export trade.

Mr. LINTHICUM. Can you tell us the amount of increase in the export trade during these years?

Mr. CARR. In 1906, the imports of the United States amounted to \$1,226,562,446; in 1911, \$1,527,226,105. The exports of the United States in 1906 were valued at \$1,743,864,500; in 1911, \$2,049,320,199. In other words, there was an increase of \$300,663,659 in the imports,

and \$305,455,699 in the exports of the United States during the fiscal year 1911 as compared with the fiscal year 1906. I have not the slightest doubt that a very large share of this is due to the activity of the American consular service.

Mr. LINTHICUM. What is this branch of the Government, the manufacturers branch, that the Appropriations Committee are thinking about doing away with?

Mr. CARR. That has no relation to the Diplomatic and Consular Service; that is an appropriation made for the employment of special agents who go abroad for the Bureau of Manufacturers to investigate certain special phases of export trade. For example, they investigated, through the Bureau of Manufactures, the opportunities for introducing cotton-seed oil abroad. The State Department also has done a great deal of work in this direction and has succeeded in many ways in bringing about favorable conditions under which cotton-seed oil can be exported.

Mr. LINTHICUM. They are under the Department of Commerce and Labor?

Mr. CARR. They are under the Department of Commerce and Labor.

Mr. LINTHICUM. Is their work in any way a duplication of the work of your consular service?

Mr. CARR. I could not answer that exactly, but if they should be required to report upon trade conditions generally in the countries where we maintain diplomatic and consular officers, there might be serious danger of duplication. Just to what extent they are employed in this way, I do not know. On the other hand they do a class of specialized work which diplomatic and consular officers are unable to do so successfully either because of lack of expert knowledge of the subjects or by reason of having many other duties to perform. I remember the Bureau of Manufactures once sent a man abroad to examine into the machine-tool industry. He was an expert on machine tools and devoted his entire time to the subject. Naturally he could do more than our officers could, who were not experts in machine tools, and who had many other functions to perform at the same time.

Mr. LINTHICUM. You would not think it advisable to do away with that bureau, would you?

Mr. CARR. I think it would be advisable to retain the bureau and the special agents and arrange to have the agents supplement, in an expert way, the work in the Diplomatic and Consular Service.

I mentioned to you a few minutes ago the valuable commercial work being done by the diplomatic and consular officers, covering the whole field of foreign commerce. The application of the merit system has quadrupled the efficiency of the foreign service as a trade-promoting agency, and the enactment of this bill would still further improve the service. In proof of the value of the reorganized service in a commercial way I will submit to the committee, in this connection, copies of a number of letters from business houses all over the country, showing the utility of the reorganized Consular Service in the promotion of trade. The letters testify in an enthusiastic way to the helpfulness of the foreign service in building up export trade in various articles, including steel boats, cottonseed oil, lead pencils, agricultural implements, and so forth.

The letters referred to are as follows:

MICHIGAN STEEL BOAT CO.,
Detroit, Mich., December 30, 1910.

Mr. WILBUR CARR,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * We peruse these trade reports every day very carefully, as we have thousands of times found information in them that have led to large sales. In fact, in one instance, we were given through these reports the name of an agent who came here to the United States to see our plant and investigate our products who has since purchased \$20,000 worth of motor boats.

Our business in motor boats in foreign countries has trebled itself within the last year. In fact, we have sent abroad during the last year 153 carloads of boats, each carload consisting on an average of six to eight launches, and we think that we have sold about 20 of these cars through information gained from the Daily Consular and Trade Reports.

The only improvement we can suggest is that the motor-boat field be given more attention, although, of course, we don't want to be selfish in this, but are anxious to get a lot more information such as we have already received from the reports referred to.

Assuring you that the people with whom we have corresponded through information gained in your pages and also the American consul, we have received every possible attention and courtesy and a great deal of business, * * * we beg to remain,

Yours, very truly,

A. M. RATIGAN,
Sales Manager, Michigan Steel Boat Co.

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, N. Y., March 24, 1911.

DIRECTOR OF THE CONSULAR SERVICE,
Department of State, Washington, D. C.

DEAR SIR: * * * We have for many years kept close watch of the work of our consuls and have noted with interest and pleasure the development of closer relations between the business men of the country and the members of the consular service * * *

While there has never been a time when there were not a large proportion of our consuls who were men of energy and intelligence, devoted to the best interests of their country, there also has never been a time when so many of the holders of consular positions have been so alert and effective in keeping this country informed regarding important developments abroad and in promptly answering questions sent to them by our manufacturers and exporters.

* * * * *

While this association, in order to perform the vast number of personal services and secure the confidential information needed by its thousands of members interested in oversea commerce, necessarily has had to organize a staff of technical, legal, and confidential correspondents of its own (now numbering over 1,200) in all countries, nevertheless it also frequently invokes the help of our consuls and is pleased to testify to the general promptness and intelligence with which the communications of the association are answered by them.

Very truly, yours,

WM. M. BENNEY,
Assistant Secretary and Manager Foreign Department.

THE PROCTER AND GAMBLE CO.,
Cincinnati, February 25, 1911.

Mr. W. J. CARR,
Director of the Consular Service, Department of State, Washington, D. C.

DEAR SIR: * * * We have used this service considerably and have found it most excellent and constantly improving. The letters we have had from American consuls all over the world within the past two years have given us very complete and reliable information in answer to our inquiries, and we find this service most valuable to us.

Although you do not directly ask the question, we want to add that we have found the records kept by the Department at Washington of very great value to us, and on the trip which we planned a year ago to South America, these records were invaluable to us.

We certainly hope the Government will not only continue this service, but that it will be their aim to improve it and expand it as much as possible, as we believe it must be of the very greatest value to a very large number of other concerns in the United States, as it is to this company.

Yours, truly,

THE PROCTER & GAMBLE CO.

STANDARD SEWING MACHINE CO.,
New York, February 16, 1911.

Mr. W. J. CARR,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * The writer is very glad of an opportunity of expressing his appreciation of our Consular Service as at present conducted and has received invaluable aid from this service, more especially during the last two years.

It has been our custom for a number of years to correct and keep perfect our card system by utilizing the various consuls throughout the world, and by utilizing, each and every year, your publication entitled: "Diplomatic and Consular Service of the United States."

We write to each consul and ask from him whether our present list of buyers engaged in our craft is correct, and in addition we request three or four additional names of houses who might be interested in the product of our factory.

We have found the consuls uniformly prompt in making reply and in giving us the information requested, and in many instances they have gone further, and given us much valuable data and general information which was of great value.

As a result of their cooperation we have made many new and valuable connections, which have been profitable and satisfactory.

* * * * *

To summarize: We beg to state that we use the Consular Service to the fullest extent, and expect to use it much more largely in the future, and it must be apparent to any intelligent exporter or manufacturer, that there is no medium that can be utilized with greater benefit, connected with our Government, than our representatives abroad, who are, if intelligent men, studying their environment and are thus in a position to help the merchants and manufacturers they represent.

Yours, very truly,

FOREIGN DEPARTMENT STANDARD SEWING MACHINE CO.
A. H. TENNIS, *Manager*.

UNITED STATES PLAYING CARD CO.,
Cincinnati, February 1, 1911.

WILBUR J. CARR, Esq.,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * Letters were addressed by this company to between 55 and 60 of our consuls, principally in the colonial markets of Africa, India, and Australasia, also in certain European countries. Being familiar with Latin-American markets from a recent visit of the writer we had in hand all necessary information as to these countries. The writer here wishes to state, however, that he has received very satisfactory personal assistance from our consuls in Latin America, while upon the trip just mentioned.

Replies were received to all but two of the letters written, and in every case we received the information asked for, given in a very businesslike and useful way.

* * * * *

In general, the writer believes from personal experience with very many of our consuls abroad that the personnel of our consular organization is now superior to that of any other country in the world from a business standpoint; in fact, he knows that German importers in South America have asked that their own service be brought up to the standard of ours, and one has only to pick up any British export trade publication to find complaints from British importers abroad as to the relative efficiency of their own and American consuls.

* * * * *

Yours, very truly,

UNITED STATES PLAYING CARD CO.
C. L. COFFIN, *Export Department*.

ROBT. H. INGERSOLL & BRO.,
New York City, February 21, 1911.

MR. WILBUR J. CARR,
Director of the Consular Service,
Department of State, Washington, D. C.

DEAR SIR: * * * We can answer this question unqualifiedly that we have derived a very considerable benefit from such reports and that we find our consuls as a rule are not only able but very willing to extend to us responses to requests for information which we make either direct or through the Department of State.

* * * We have during the last few years seen a continuous improvement in such service, which doubtless implies that the Government is very materially improving such service, and we feel that the people of the United States as a whole and manufacturers particularly should be gratified over such improvements.

* * * We appreciate, as we find the consuls do generally, that the lack of foreign trade, particularly in South American countries, is largely the fault of the manufacturers, who have not in an intelligent way solicited such trade; we also, however, appreciate that one of the greatest drawbacks to American trade, particularly in South America, is the lack of direct steamship communication and the lack of United States banking facilities. It is not within the purview of the Consular Service to correct such faults except through agitation, which we believe is being done quite well through the Daily Consular Reports and the having of consuls when in this country address representative meetings on this subject.

* * * * *
Very truly, yours,

ROBT. H. INGERSOLL & BRO.,
Per THOS. F. PUTNAM.

F. H. LOVELL & Co.,
Arlington, N. J., February 6, 1911.

Department of State, Washington, D. C.

DEAR SIR: * * * We are only too glad to express to you our appreciation of the services rendered by the consuls and consular agents of this country in our endeavor to obtain an up-to-date and responsible list of the dealers in our material in the countries of the world in which we have been accustomed to do business.

* * * * *
It occurred to us that undoubtedly the consuls in the various countries to which we shipped would be the best people to whom to apply for such a list, and we have met with a very gratifying response from all the officials to whom we have addressed letters. Our experience has shown us the value of such representation in foreign countries for this country in commercial matters, has shown us the genuine desire on the part of these officials to increase the trade of these countries with the United States, and has led us to believe that our consular agents are doing effective work for the commercial interests of this country.

While it might be taken for granted that our letters would be replied to in a courteous spirit, at the same time we can not help expressing our appreciation of the more than courteous tone which prevails in all the advices which we receive from our consular representatives. We can cordially recommend the work being done by your department.

* * * * *
Yours, very truly,

F. H. LOVELL & Co.,
JAS. H. CALLENDER, President.

G. W. SHELDON & Co.,
Chicago, February 1, 1911.

The SECRETARY OF STATE,
Washington, D. C.

SIR: * * * Our experience with the Consular Service has impressed us with its efficiency.

* * * We do know that the consular trade reports are considered by exporters, who are our clients, as containing very valuable information.

It has been our practice carefully to read them and where we found them to contain matter of interest to particular clients, we have taken pains to direct their attention

to it especially. We have in many instances recommended to our clients to make application to the Department to have them sent regularly. We do not see how the reports could be improved.

Respectfully,

G. W. SHELDON & Co.

ROYAL TYPEWRITER CO.,
London, E. C.

The SECRETARY OF STATE,
State Department, Washington, D. C.

SIR: The writer, who has been for a year and more traveling throughout Europe as director for the Royal Typewriter Co., wishes to thank you for the excellent service which several of the consuls have rendered the writer.

The writer having read many reports in the American press as to the lack of interest and courtesy on the part of our consuls, did not visit them, during the first month or two of his travels. Since that time, however, he has had occasion to visit a number of consuls, and has found them uniformly courteous, and showing a deep and sincere interest in the American industries.

* * * * *
The writer has also visited the Consulates at Berlin, Lisbon, Barcelona, Vienna, and elsewhere, and wishes to place himself on record as an enthusiast on the American Consular Service, and its general efficiency.

Yours, respectfully,

A. P. BROOKS.

EXTRACT OF LETTER FROM PARKE DAVIS & CO.

In response to a letter from the department, concerning an inquiry made by that company of the consular agent at Rio Grande do Sul, Brazil, the company replied as follows:

"It is true that the matter is not one of vital importance, and we simply wish to say that this evidence of the earnest attempt of the Consular Service to aid the business men of the United States is greatly appreciated. Unquestionably the quality of the service along these lines is rapidly improving, and we desire to go on record by stating that we esteem the efforts which the department is making, which we know can not be otherwise than beneficial to American commercial interests."

IVER JOHNSON'S ARMS & CYCLE WORKS,
Fitchburg, Mass., January 30, 1911.

Hon. WILBUR J. CARR,
Director of the Consular Service,
Department of State, Washington, D. C.

DEAR SIR: * * * We are very pleased indeed to testify to the fact that the information obtained by us, as a result of correspondence with various consular officers, proved extremely accurate and complete and has been of the greatest value to us.

The information was sought with a view to determining as far as possible what foreign markets promise the best returns on our particular kind of merchandise and have the fewest obstacles in the way of import regulations in respect to firearms. In order to obtain the exact information required, we submitted a number of questions, with the request that they be answered categorically, which in nearly all instances was done.

* * * * *
An immense majority of the reports indicate very clearly that the consular officer made a careful investigation of the facts before making his report. The accuracy of the reported facts and the conclusions reached have been later confirmed in several instances, and in no case have we discovered that the information furnished was inaccurate.

Yours, faithfully,

IVER JOHNSON'S ARMS & CYCLE WORKS.
W. MAXWELL.

HERSCHELL-SPILLMAN Co.,
North Tonawanda, N. Y., February 6, 1911.

Mr. WILBUR J. CARR,
Director Consular Service, Washington, D. C.

DEAR SIR: * * * We have not endeavored to use the consuls to any extent until within the last few months. We have had some reports from the consuls direct and have also for these months been receiving the Daily Consular and Trade Reports, and find them of considerable service to us. Since we have been endeavoring to get some business through the consuls, we have received quite a number of inquiries that the parties advised were sent us on the recommendation of different consuls, and so far as we can judge from the short experience that we have had, it would seem to us that the consuls are making an honest effort in the interests of the manufacturers of the United States. We also find the Trade Reports giving us very beneficial service.

Yours, truly,

HERSCHELL-SPILLMAN Co.,
By A. M. HATHAWAY,
Acting Secretary.

FORD MOTOR Co.,
New York, January 31, 1911.

Mr. WILBUR J. CARR,
*Director of the Consular Service,
Department of State, Washington, D. C.*

DEAR SIR: * * * We are only too glad to be able to advise you that we have found the service of very considerable help to us in a number of cases, and the assistance which they have given us in the past few months has done away with the old idea that we did have, in common with so many other manufacturers, of consular inefficiency.

We have come across only a few instances where we felt that the American consul was not properly representing American interests, while, on the other hand, we have had any number of evidences that the American consul was only looking for a chance to assist the American manufacturers.

* * * * *

Yours, very truly,

FORD MOTOR Co.
H. B. HARPER.

HAMILTON BROWN SHOE Co.,
St. Louis, February 22, 1911.

Hon. W. J. CARR,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * The information received through the American consular officers has proven very interesting to this department and has helped to extend our foreign trade in a conservative manner.

As you are undoubtedly aware, it takes considerable time to enter a new market; however, we have landed some accounts whose names were furnished by consuls.

* * * * *

Yours, respectfully,

HAMILTON BROWN SHOE Co.,
By T. F. ROACH,
Manager Export Department.

G. ELIAS & BRO.,
Buffalo, N. Y., January 30, 1911.

Hon. WILBUR J. CARR,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * The correspondence that we had with the American consular offices in relation to opportunities existing in foreign countries for the sale of lumber was very satisfactory in every respect. We received very courteous replies, very complete and carefully compiled information, and each and every counsel seemed to be anxious to promote the sale of American products in the respective districts, and very willing to give further information if desired. They made us feel as though we had a personal representative in every foreign country.

We had read articles in newspapers and periodicals from time to time criticizing our American representatives abroad for not being all that they should be by lack of experience, method of appointment, etc., but as is usual in such cases those who have written the most, probably know the least. Our experience, gained by actual business correspondence, is to the contrary. We find them men of ability, integrity, and good judgment, wide-awake and alert. If our American manufacturers would make use of the splendid organization now under your able direction and at their disposal, they would get results far beyond their expectations.

We feel that the interests of Americans abroad is in good hands and well looked after and we can not too highly praise the service, which, like a good many other things which we Americans enjoy, we fail to appreciate.

The Consular Service and the Consular and Trade Reports are certainly a very great help to those who desire to do an export business and who will make use of the facilities provided by the Government for this purpose, and if exporters are not obtaining benefits it is because they have not availed themselves of the service.

* * * * *

We have been so impressed with the value of this information to American manufacturers that we have frequently written letters to manufacturers calling attention to these valuable reports and suggesting that they send their names in and get the report regularly.

Yours, truly,

G. ELIAS & BRO.

P. S.—You can make any use of this you please.

JOSEPH DIXON CRUCIBLE CO.,
Jersey City, N. J., January 31, 1912.

MR. WILBUR CARR,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * We do not fail to carefully read the Daily Consular Reports which come to our office, and we make use of them whenever we can. We have from time to time quoted in our house publication, Graphite, the good suggestions made by the United States consuls.

We have a feeling that within the past few years the United States has made a greater improvement in its consuls; that the consuls are much better equipped as business men.

* * * * *

Yours, very truly,

JOSEPH DIXON CRUCIBLE CO.
GEO. E. LONG, *Treasurer.*

E. I. DU PONT DE NEMOURS POWDER CO.,
Wilmington, Del., February 20, 1911.

MR. WILBUR J. CARR,
Director of the Consular Service, Department of State, Washington.

DEAR SIR: * * * During the latter part of December we requested various United States consuls at foreign points to advise us the municipal restrictions and port regulations covering shipments of explosives and other commodities. Practically all of the consuls we have written to have replied, giving us desired information, and the larger number of same appear to have gone considerably out of their way to accommodate us.

Yours, truly,

J. B. D. EDGE, *Traffic Manager.*

BORDEN'S CONDENSED MILK CO.,
New York City, February 7, 1911.

HON. WILBUR J. CARR,
Director of the Consular Service, Department of State, Washington, D. C.

HONORABLE SIR: * * * We think there would be a great amount of value derived from this service to the manufacturers of the United States if same was placed upon the proper basis, by which we mean the merit system, which we understand is now temporarily in effect.

In the past we have received very satisfactory service from some of the consuls, particularly in the Far East, where we have experienced considerable difficulty on

account of counterfeit brands, and in addition have received some very valuable information from other consuls through South America as to the possibility of opening up markets for our brands.

We feel that if the merit system is made a permanent law the Consular Service would be improved and be of material value to the various manufacturing interests in this country.

Very respectfully, yours,

BORDEN'S CONDENSED MILK CO.

BISSELL CARPET SWEEPER CO.,
New York, January 30, 1911.

MR. WILBUR J. CARR,
Director of the Consular Service, Washington, D. C.

DEAR SIR: * * * To your inquiry as to the results of our recent correspondence that has transpired between your American consular officers and ourselves, would say that such correspondence has been highly satisfactory and effective.

We were prompted in communicating with the American consular officers in the different foreign countries with a view of ascertaining the conditions as they exist in these countries in regard to the usage of our particular line of goods. You supplied us very promptly at our request with an authentic list of these consular officers and each and every one of them, which we have carefully checked off from the list, have promptly responded to our communication. These replies have been clear and comprehensive in every instance. In many of the letters suggestions and recommendations have been made us by the consular officers as to the best means in their opinion for our securing representation and business from their respective countries and in many instances have lists of names of prominent dealers been given us, all of which we have used. In many of the countries to which we have been shipping through the New York export commission merchants for many years past the conditions as reported by our direct agents have been confirmed by the consular officers and we appreciate most highly the effects in this way that we have derived from this service. The results, of course, we can hardly report upon yet, but from our experience for years past in various ways with the American Consular Service we have been impressed with its efficiency and have every reason to believe that the service has been an aid to producers and exporters.

* * * * *

We note you have under consideration steps for the further improvement of the Consular Service and along lines calculated to serve in a general way the American producer and exporter and are sorry that we can not offer any suggestions or recommendations at the moment that would tend toward further improvement. As we said before, our own experience with your Consular Service has been highly satisfactory and effective in every respect.

Thanking you for your advices and with best wishes for the further success of our Consular Service, we remain,

Yours, truly,

BISSELL CARPET SWEEPER CO.
T. W. WILLIAMS,
Vice President and Eastern Manager.

EVERY CO.,
Peoria, Ill., January 30, 1911.

W. J. CARR,
Director of Consular Service, Department of State, Washington, D. C.

DEAR SIR: * * * We have for the past several years been making a strong effort for foreign trade, and this, naturally, brings us in touch with the American consuls of different countries, and we want to say that uniformly we have had the very best of treatment with the majority of the consuls; at least our representatives are good business men, and that certainly is what is required.

* * * * *

On the whole we are very much pleased with the results we have had. We have had cases where orders for \$4,000 or \$5,000 have been taken and sent in to us by our consulates, and the service has been given us gladly and without any intimation that they were expecting any favors.

We often write the consulates whose reports we find in the Daily Consular and Trade Reports for more detailed information, lists of names, etc., and we invariably get full and helpful replies.

We really believe there is more trade lost by the ignorance of the manufacturer at home than by any inefficiency of the consular reports and service.

There is quite a large percentage of the American manufacturers who know little about the work the consulates are doing or the class of service they are rendering, and even when their representatives visit these foreign countries they do not even call on the consulates. So we believe this is something that the American manufacturer needs to be educated to along these lines more than anyone else.

* * * * *
Yours, truly,

EVERY Co.
E. M. VOORHEES,
Assistant Secretary.

GAAR, SCOTT & Co.,
Richmond, Ind., February 28, 1911.

SIRS: In December, 1909, we sent to the United States consul at * * * two copies of our machinery catalogue. These were sent at the request of the consul, who stated that they would be placed on file in the commercial information bureau.

The two copies were in due course loaned to two local importing firms, and as a result we have received in the last few months from one of these firms orders for traction engines amounting to \$10,000.

As this business is entirely due to the efforts of the consulate at * * * we thought you might be interested in knowing the facts.

Yours, truly,

GAAR, SCOTT & Co.,
By S. S. STRATTAN, Jr.,
Secretary.

DEPARTMENT OF STATE, Washington, D. C.

MR. LINTHICUM. How are these recommendations received by manufacturers and business houses?

MR. CARR. The consuls are under standing instructions to report everything which they find of value to American exporters and producers. Then they are directed from time to time to report on special subjects in which one or more American exporters or manufacturers may be interested. Those reports are sent to the State Department and by it transmitted to the Department of Commerce and Labor for publication and distribution among business men for their information. Moreover, consular officers are constantly bringing American firms into direct relations with foreign purchasers. Many of them have rooms in the consulates set aside for American trade papers and catalogues of American firms. That kind of trade activity is going on throughout the entire Consular Service, and many of the results are set forth in the letters I have submitted. The Diplomatic Service, on the other hand, is doing a great commercial work. It was through the Diplomatic Service almost entirely that the contract for battleships for Argentina was secured by American firms, bringing to this country to be expended for labor and materials over \$20,000,000. Other contracts, amounting to a million dollars and over each, have been secured through the foreign service. Secretary Knox stated before this committee a few weeks ago that the total foreign export business which could be traced directly to the work of the department and the Diplomatic and Consular Service in the last two years amounted to considerable over a hundred million dollars.

MR. LINTHICUM. Do you know whether any activity has taken place in reference to cotton duck, straw hats, or fertilizers?

Mr. CARR. I do not recall those subjects in particular, although a great deal of work has been done in behalf of export trade in cotton goods generally.

Mr. LINTHICUM. Our city of Baltimore is a large manufacturer of those articles.

Mr. CARR. I do not recall that those articles have so far been the subject of special investigation. Agricultural implements, steel rope, and a number of similar articles have been the subject of investigation at the instance of manufacturers, and considerable trade reported. In this connection, and as showing the initiative of consular officers of the reorganized service, we had a report a few weeks ago from a consul who said that he had seen a possible demand for steam rollers in his district. He had induced the interested persons to send to the United States for one. They found some difficulty in making terms which would enable them to pay for the article on delivery, so the consul took the entire responsibility, had the steam roller shipped there, employed an English engineer to run it for a while to try it out, with the result that the foreign firm ordered 10 rollers to be sent from America. That kind of activity is going on everywhere. It must result in a great deal of business in the course of a year.

Mr. LINTHICUM. I think if you could give us some data, informing us as to the amount of export business increased by virtue of the system adopted with reference to the Consular Service, I am sure it would be beneficial not only to these people, but to the Representatives to distribute among their people at home. In Baltimore I am afraid we have not taken up that study. I believe we are the largest manufacturers of straw hats in the country, and yet I do not believe we have endeavored to introduce those in other countries. It is the same with cotton duck and fertilizers, and other things we are interested in.

If there is any other information you can give us on that subject, I am sure the committee and the Members of the House will appreciate it. It will assist us in disseminating the information among our people so that they can take advantage of it.

Mr. CARR. On that point I would submit to the committee a statement by the Secretary of State, Mr. Knox, entitled "The achievements of dollar diplomacy," showing the activities of the foreign service in connection with trade, and the subjects with which the foreign service, under his administration has been concerned, and some of the results achieved by their efforts. It answers your question far better than I could do so.

Mr. LINTHICUM. That may go in the record.

The article referred to is as follows:

[The Saturday Evening Post, March 9, 1912.]

THE ACHIEVEMENTS OF DOLLAR DIPLOMACY.

By PHILANDER C. KNOX, Secretary of State.

The diplomacy of the Taft administration, when not directed toward the reconciliation of the turbulent elements warring or threatening war in some of the smaller and weaker southern Republics or otherwise largely occupied in conducting our foreign relations with the nations of the earth and in endeavoring to establish peace among mankind, has found opportunity to advance the commercial interests of the American people in foreign markets, to encourage the use of our abundant means in assisting less forward countries to develop their resources, and to advance reforms

necessary to national stability and progress in regions aspiring toward a higher civilization. These latter phases of the activities of the Department of State have been called "dollar diplomacy," in honor of the instrumentality employed for so much that is good; and, in view of the many disparaging things that have been said about the American dollar—especially at home—there should be a general sense of satisfaction with its present honorable association with the good work that is being done abroad.

The achievements of dollar diplomacy have been conspicuous in the acquisition of American dollars by the expansion of American trade, and in the use, for example, of American dollars by assisting to rehabilitate the weaker American Republics and in advancing reforms in China. To speak first of the commercial side, the promotion of American commerce is one of the first duties of American diplomacy. There has never been a time in our history when so much attention has been given as at present to the promotion of the foreign trade of the United States.

In the tariff negotiations of 1910, which were carried on with many foreign countries for the purpose of adjusting their tariff laws and regulations so as to meet the requirements of the maximum and minimum provisions of the Payne-Aldrich law, the department's commercial diplomacy accomplished far-reaching and enduring results in aid of American commerce. Substantially adopting the principle of minimum for minimum as the basis of adjustment with the various countries having a dual tariff system, the department took advanced ground in the interest of equality of commercial treatment in foreign markets for the products of the United States with the like products of competing countries. This principle of settlement was so generally recognized that at the close of the negotiations in question there remained no instance of "undue discrimination" on the part of any foreign country against American commerce.

IMPORTANT CONTRACTS SECURED FOR AMERICAN MANUFACTURERS.

The occasions for the exercise of the same practical diplomacy by the Department of State are numerous and unending. Every time the customs officers at some foreign port so change the tariff classification of American goods as to involve the application of increased rates, the Department of State is likely to be appealed to by the American manufacturer or exporter concerned; and often the matter thus becomes the subject of diplomatic activities, provided, of course, that the complaint appears well founded. In a large majority of these instances the diplomatic interposition of the United States has been effective in obtaining prompt remedial action by foreign authorities.

It is not only by commercial diplomacy, however, that the Department of State has been able to render valuable service to American commercial interests. Both branches of the foreign service, as well as the departmental system of administration, have been organized and improved with the primary purpose in view of rendering more effective aid to American trade expansion. Every effort has been exerted to obtain from the consular and diplomatic agents of the United States reliable information of practical value in regard to commercial and industrial conditions and opportunities for American trade development abroad. The quality of these trade reports has improved, according to the testimony of the business interests of the United States for which they are intended, and the intelligent system provided by our Government is utilized and appreciated to an extent hitherto unknown.

Aside from the influence of the department exerted in special instances for obtaining in behalf of American citizens foreign concessions and contracts—estimated to have aggregated over \$100,000,000 in the past two years—attention properly may be directed to the remarkable expansion of our export trade in crude and manufactured goods. Such commerce, once established, grows through force of merit and through the individual enterprise of those directly interested. Its expansion through State Department aid is fully justified, because there are opened new and permanent opportunities equally and directly helpful to American labor and capital employed in factories, forests, farms, and mines. It is, perhaps, sufficient comment to point to the increase of our exports for the calendar year 1911, which, as compared with those of 1910, exceed the latter by the vast sum of \$230,000,000. They exceed the exports of 1907, the year of greatest previous record, by over \$163,000,000. Manufactured products for 1911 make an astonishing showing. They exceed \$1,275,000,000, being in excess of similar exports for 1910 by \$191,000,000, and exceeding the same class of exports for 1907 by \$166,000,000. The excess of total exports over imports in 1911 was above \$525,000,000. This was in excess of the showing for 1910 by \$259,000,000. The balance of trade for 1911 exceeded that in 1909 by over \$300,000,000, and was greater than the excess of 1907 by over \$53,000,000. Domestic exports in 1911 were \$2,058,413,224.

THE WORK OF THE BUREAU OF TRADE RELATIONS.

The activities of the department through its Bureau of Trade Relations and its Diplomatic and Consular Service constantly and consistently have been shaped for the promotion of such foreign trade as gave best promise of permanency. Notable among the recent accomplishments of the department, whereby the growth of American export trade has been materially promoted, may be mentioned the following instances:

There has been obtained the recognition on the part of all importing nations of the food certificates of the United States Department of Agriculture as evidence of the purity of the products so certified under the provisions of the pure food and drugs act of June 30, 1906. Such recognition has operated to remove restrictions that previously had barred American pork products from several countries and had embarrassed our meat and lard trade in others. The gain in exports of these commodities in 1911 over 1910 exceeded \$25,000,000. Our total foreign sales of pork products for 1911 amounted to over \$125,000,000.

There has been brought about the adoption by various Governments of regulations adequate for the improvement of sanitary and other conditions connected with the preparation and export of fruits and other vegetable products shipped to the United States. These precautionary measures are in the interest of the health of the American people.

Measures have been taken which have lead to the modification on the part of various European Governments of regulations and tariff measures restrictive of the importation and use of refined cottonseed oil. This is a product almost exclusively of American origin. The ground taken by the department that American cottonseed oil, by reason of its excellence and purity, was entitled to the same tariff and administrative treatment as that accorded to competing edible vegetable oils, has met with recognition on the part of nearly all important importing countries.

Various suggestions offered by the department have been adopted by foreign Governments for the improvement of the international parcel-post service from the United States, and measures for the further betterment of this service are under consideration. This is obviously beneficial to American mail-order houses, to all exporters of small-package goods, and aids in the distribution of samples of merchandise.

The department properly has encouraged enterprises looking to the establishment of direct steamship transportation service between American ports and numerous foreign ports, to the end that transshipment at intermediate ports may be avoided and thus the time of transit may be reduced to between 15 and 20 days, as against the transit time of 30 to 120 days where goods are transhipped en route.

There have been accomplished various instances of modifications in foreign consular regulations with respect to fees and other details which the experience of American shippers had demonstrated to be restrictive of or embarrassing to exports from the United States.

Modifications have been obtained in foreign regulations respecting merchandise marks acts, which, because of their susceptibility to technical construction in certain countries, were found to be unfavorable to American exporters.

In some instances materially enlarged foreign markets have been opened to American trade by the granting, at the suggestion of the department, of preferential duty rates applicable to considerable and important lines of American-made commodities.

OFFICIAL SERVICES TO AMERICAN EXPORTERS.

The aid and influence of the department have been extended for the inauguration of the exportation of American coal, following development work through specially detailed consular activity where markets were thought to be available.

Actual and important trade thus had been secured where little or none heretofore existed.

American diplomatic and consular officers throughout the world are responding faithfully and actively to the demands upon them—in the interest of trade extension—in the way of valuable advice and personal effort, whenever their services are sought by American exporters, whether directly or through the Department of State.

That perhaps our competitors appreciate better than we ourselves do the impetus now sought to be given our foreign trade may be illustrated by the following comment by a writer in the English Quarterly Review:

"The methods of the foreign office (British) in this and other respects may profitably be compared with those in practice in the United States, in order to judge how far we lag behind our cousins in such matters. Although, as has been shown, the United States Government expends less upon its Consular Service than the British Government, it employs a far larger staff, and it secures a surprisingly beneficial result in the form of reports, general information, and estimates. * * * There is in force a

complete system of intelligence relating to trade matters in the United States, by means of which information is published in the form of daily reports and circulated broadcast."

The experience and observation of the department have convinced me that we now have reached a point where section 2 of the tariff act of August 5, 1909, should be so modified as to meet the contingencies that have arisen, where discrimination in tariff or administrative treatment in the minor relations of commerce and not undue as to the whole commerce of this country may be met and overcome by an application of special duty rates elastic enough to meet each case as it arises, by opening a way for fair mutual adjustment.

So frequently has the attention of the department been directed to the unsatisfactory condition in which American cotton arrives at foreign ports and the losses incident to insufficient covering and improper baling that a careful investigation was instituted as to the causes responsible for this condition, recognized generally as being an unfortunate one. Commercial and legislative bodies in the South have represented to the department that the loss incident to present baling methods amounts to an exceedingly large sum, variously estimated at from twelve to twenty million dollars annually. It is thought that to a large extent this loss ultimately must fall upon the American producer. Investigations abroad have been conducted and reported upon by American consular officers in all important cotton-importing ports. These reports and the recommendations of the department have been placed before Congress, and at the instance of the Hon. W. G. Brantley, of Georgia, a concurrent resolution has been introduced and passed by the House that will insure the wide distribution of the department's findings throughout the cotton-producing States. I have recommended identical legislation in the interested States both for the standardization of the cotton bale as to the size and weight and for the standardization of the tare, or the weight and kind of bands and covering. Such standardization, in my opinion, would increase the relative value of American cotton and would eliminate the present losses.

Then there is this matter of Latin American trade, and in particular South American trade, in which I always have felt a special interest. I don't think our people yet appreciate our progress there. We are making headway, too, in the face of adverse conditions. Few of our people look at the map often enough to know that geographically we have no advantage over Europe on the east coast of South America where the bulk of the trade and the population of that continent is, and that through its subsidized ocean steamship lines Europe is far better off than we are. England was a century ahead of us in going after that trade, and Germany a quarter of a century. I don't believe in scolding our own people too severely for neglecting South American trade, because until a few years ago they felt they had a wide enough field for their energies here at home.

When they did wake up to the importance of that market they found the tremendous advantage European competitors have over us in the way of banking and transportation facilities, the ownership of railway lines and banks, the larger number of their people resident in those countries, and the value of the financial relations thus established. There was also the influence of the newspaper press. Leading European journals were known and quoted in South America, and European countries have local organs or special editions for South America. South American newspapers gave much space to European news and very intelligent editorial discussion of European affairs. Naturally all this helped to create trade currents both ways.

Now we in the United States are coming into our own. Latin America is better understood here and we are getting to be better understood there. Our commercial diplomacy has been coordinated with our national policy in reference to Latin America, which has been a policy of mutual helpfulness, sympathy, and peaceful progress through the encouragement of commerce and industry.

Our total trade with South America—that is, imports and exports—last year was \$291,518,644, as against \$154,767,537, 10 years ago. Our exports were \$108,894,894, an increase of \$64,494,699 in 10 years. That is making some headway. We shall continue to make headway both in the east coast countries, with their great internal development, and on the west coast with the results that will come from the Panama Canal.

Let me illustrate, with a few specific instances, what dollar diplomacy has done for our export trade:

As a result of the efforts of this department the Brazilian budget law, in effect during the fiscal year 1911, was extended for 1912. Flour had been given a preferential duty reduction of 30 per cent, and a considerable number of other American products have now been granted a reduction of 20 per cent from the regular duty rates.

Large purchases of arms and military supplies have been made by Cuba under a special arrangement with this Government.

As is already well known, the Argentine Government placed contracts for the construction in the United States of two battleships to cost more than \$20,000,000, and these contracts were closely followed by others through which that Government will fill its requirements for powder and other explosives almost exclusively from the United States. Purchases of \$1,000,000 worth of American-made ordnance for equipping other vessels have been made by the Argentine Government. Our legation at Buenos Aires was influential in obtaining for American paper manufacturers the contract to supply annually \$200,000 worth of print paper for a leading publication there. The Argentine general post office placed an order in the United States for 120,000,000 postage stamps. The Argentine State Railroad placed orders with American firms for material exceeding \$1,600,000 in value.

Salvador granted a reduction of 25 per cent of the duty rate on American flour and a 50 per cent reduction in the duty on cement.

Turkish manufacturers in Smyrna have bought largely of American machinery and equipment.

OUR GROWING TRADE WITH THE ORIENT.

Our exports to Japan, which in 1910 were \$26,500,000, increased to \$44,100,000 in 1911. The treaty recently negotiated with Japan accords the United States favored-nation treatment, and as a result American imports will enjoy the benefits of any reduction from the statutory tariff which Japan may grant to other powers.

American trade with Manchuria in tobacco and oil shows material growth.

Mining companies in Korea are importing American mining machinery on an extensive scale.

Our merchants are doing a greatly increased business with far-off India in flour and various manufactures of paper.

The \$50,000,000 railway loan, recently negotiated with China by American and European financiers, will be expended largely for materials, American materials having equal preference with those of the other three countries interested in the loan. As the contract likewise provides for branches and extensions subsequently to be built on the same terms, the opportunities for American materials will reach a very considerable figure.

The loan of \$50,000,000 for currency reform and industrial improvement, which has also been signed, will greatly improve the conditions upon which trade is conducted in China; and an opportunity has been created for American materials in connection with the plans of the industrial developments in Manchuria, with a prospect of larger opportunities in the future as the work of development is extended.

There are dozens of instances of orders for American goods placed as the direct result of the activities of the foreign service, which in themselves may seem insignificant, but when it is considered that 300 consulates all over the world and 50 diplomatic missions are doing this kind of work, the aggregate of business thus obtained goes far toward accounting for the gratifying increase in our exports.

Let me now speak of dollar diplomacy as illustrated by our relations with South and Central America. The meaning of the phrase, "dollar diplomacy" has been admirably stated as follows: "It means using the capital of the country in the foreign field in a manner calculated to enhance fixed national policies. It means the substitution of dollars for bullets. It means the creation of prosperity which will be preferred to predatory strife. It means taking advantage of the interest in peace of those who benefit by the investment of capital. It recognizes that financial soundness is a potent factor in political stability; that prosperity means contentment and contentment means repose."¹

The most striking instance in which dollars have been used and have succeeded where bullets would have done naught but add to the misery of an unfortunate people occurred in Santo Domingo. In 1904, that country having been torn for years by internal dissension and revolutions, the Dominican people found themselves in a position where the revenues of practically every port in the republic were pledged for the payment of debts held mostly in Europe. There were no funds left with which to carry on the work of government. The total revenues from imports and exports had for years been insufficient to meet even the interest on the outstanding indebtedness, and the people of the island were face to face with bankruptcy. They were also face to face with the prospect of seeing the customhouses seized by European powers for the protection of European creditors.

At this point the United States, armed with dollar diplomacy, came to the assistance of the Dominican Republic. An agreement was entered into in 1907 by which the customs revenues of the island were to be collected by an American receiver general.

¹ From the address of the Hon. Huntington Wilson, Assistant Secretary of State, at the Third National Peace Congress, Baltimore, May 4, 1911.

To this the foreign bondholders, by reason of the practical guaranty provided by the interest of the United States, were glad to agree. Since the inauguration of this system the country has enjoyed peace. The customhouses could not be seized by incipient revolutions, and therefore funds could not be procured to make such revolutions successful. Last year the total customs revenues collected in the Dominican Republic amounted to the record-breaking sum of \$3,485,000. Of this sum \$1,442,500 is devoted, under the convention, to the payment of the interest and the sinking fund of the foreign debt. Thus the bondholders receive the interest on their investment and are assured that the principal is safe and will by means of the sinking fund be returned to them at the maturity of the loan. In round numbers, \$2,000,000 thus went to the Dominican Government for the administration and development of their country.

HOPE FOR NICARAGUA AND HONDURAS.

Compare this situation with that which existed before the dollar diplomacy of the United States was invoked, when the Dominican Government had nothing, the country was racked by revolutions, the bondholders received no interest, and an Italian gunboat was actually dispatched to Dominican waters for the enforcement of agreements with Italian subjects.

There are now awaiting ratification by the United States Senate conventions of this same nature with two Central American Republics—Nicaragua and Honduras. Both of these countries have been the field for almost incessant revolutions, which prevent all progress and development and confront the people with the prospect of national bankruptcy and possible intervention on the part of foreign Governments in the interest of foreign creditors. The present situation of each of these Republics, in whose prosperity and peace we must necessarily take such an active interest, is analogous to that which existed in Santo Domingo in 1904. It is confidently expected that by the operation of the conventions now pending in our own Senate—Nicaragua has already ratified the convention with that country and is eagerly awaiting its adoption by us—the peace, credit, and prosperity of both will be firmly established, as has happened with the Dominican Republic. This phase of dollar diplomacy is no longer an experiment.

Another typical work of dollar diplomacy has been our help to Liberia. Since that small African Republic was founded by Americans and colonized by liberated slaves it has been our ward, and its welfare has naturally always been of great interest to us, especially so to our citizens of African race and to those particularly interested in them. Pressure of frontier troubles, fighting with turbulent tribes, and onerous foreign loans reduced the country to a stage of tottering weakness where apparently it was about to disappear from the map. Under a treaty with the United States Liberia sent a commission here to ask aid. We sent a commission to Liberia to investigate and report, and as a result we got American bankers to interest themselves in the rehabilitation of Liberian finances. The Governments of Great Britain, France, and Germany, having commercial or neighboring interests, joined in the work, and their bankers cooperated with ours. The result is an understanding by which an American is about to enter on his duties as general receiver of customs for Liberia, and we are sending three or four military officers, at Liberia's request, to instruct and drill an efficient constabulary to maintain order. We hope that we have thus succeeded in guaranteeing not only continued existence but also prosperity and welfare to the Republic of Liberia, which has excellent resources and which it was our moral duty to assist and preserve in accordance with our present interest in the country and its future possibilities.

IMPROVED TRADE CONDITIONS IN CHINA.

The Spanish War left us with extensive possessions in the Far East, and immediately thrust upon us a direct interest in the affairs of that part of the world. When President Taft, early in his administration, found himself called upon to announce his far eastern policy, he declared it to be not one of territorial aggrandizement or of merely commercial expansion but a policy that should tend to the continuance of the sovereign and territorial integrity of China and the "open door."

This declaration was not hastily made. While he was Secretary of War, and long before his nomination for the Presidency, Mr. Taft in a speech at Shanghai had firmly taken the same attitude:

"If in helping China to preserve her sovereign and territorial integrity economic and commercial factors enter into the problem, that is because we are working in an actual world where practical interests operate and clash. We must reckon with the ordinary human motives in popular and governmental action among all the powers

and make use of the everyday purposes and instrumentalities of life. Our activities in the Far East none the less express a logical, worthy and beneficent program altogether consistent with the principles and ideals of our Government, because of the fact that American dollars are made to perform a high moral duty."

The main points in the development of this policy may be briefly stated: In the treaty of 1903 with the United States, China agreed among other things to abolish the system of internal taxation called "likin," which impeded the free circulation of commodities to the general detriment of trade; to adopt adequate measures for the protection of industrial and literary property; to revise the mining regulations and encourage mining operations; and to provide for a uniform system of national coinage that should be legal tender in the payment of all duties, taxes, and other obligations throughout the Empire.

Early in 1909 the Department of State ascertained that capitalists of three great financial powers, Great Britain, France, and Germany, had all but completed an arrangement with the Chinese Government for the building of certain trunk lines of railway in central and southern China. It was learned at the same time that the revenues pledged in connection with these railway projects vitally affected the national reforms in which this country was so deeply interested.

The American Government did not demand that these railways should be built or that American capital should necessarily be employed. Its demand was that if the railways were to be built and to be built with foreign capital, American rights and American interests in the development of China, based upon the treaty of 1903, should be duly recognized.

It has been stated in some hostile quarters that the recent upheaval in China was caused by the injection of American enterprise into the situation. Nothing could be further from the truth. The railways would have been built if Americans had never appeared on the scene, but with this difference, that the control of the principal revenues throughout the heart of China would have been pledged to other foreign powers, and America would have been deprived of any voice at the council board at which the important questions involved in the disposition of these revenues were determined.

After some negotiation the claim of the United States to equal participation with other powers in all respects, including the disposition of the securities, the supplying of funds and of materials, was admitted by the foreign financiers and Governments concerned.

Later the Chinese Government, knowing the interest which the United States had long taken in the currency reform, applied to us for financial assistance in carrying out the project. The Department of State had but recently demanded for Americans the right to share in the railroad project. Moreover, it recognized the treaty rights of the other powers and the vital importance of cooperation with them in the working out of the currency reform. The occasion was therefore seized to forward the policy of the open door, or equal opportunity, which had always been so strongly advocated by the United States since the time of John Hay; and the door was opened, with China's consent, to the financiers of the other powers already associated in the railway loan.

America has frequently been criticized in past years for trying to exert an influence in Chinese affairs out of all proportion to the importance of its vested interests there. The successful completion of the two projects mentioned has given the United States for the first time, since our early carrying trade, such a substantial interest in the material development of China as to give us more than a moral right to a voice in all questions affecting China's welfare. Our far eastern policy has been brought "back to earth." In addition, our interests have been so associated with those of the other leading powers by common financial ties that it is to the benefit of all alike to join in maintaining the political integrity of China and to unite in sympathetic and practical cooperation for its peaceful development; for where nations invest their capital there they are intent upon preserving peace and promoting the development of the natural resources and prosperity of the people. No better proof of the wisdom and effectiveness of the policy adopted could be found than the way in which the powers have worked together to protect their common interests and to avoid all unnecessary interference during the recent disturbances in China.

So, you see, dollar diplomacy has substituted peace and prosperity for bloodshed in San Domingo and is at work to do the same for Nicaragua and Honduras. Dollar diplomacy is working for cooperation and concerted support to help China toward material development, modernization, and peace. Dollar diplomacy is carrying out the moral duty of the United States to Liberia.

If the name dollar diplomacy is to be understood as popularly applied in a general way to the diplomacy of President Taft's administration, I could show you how methods dubbed dollar diplomacy, which sounds very materialistic, have literally

prevented or terminated a war between Ecuador and Peru; a war between Haiti and Santo Domingo; a war in Honduras; not improbable war between Panama and Costa Rica; and chaos sure to lead to war in Nicaragua.

In a régime styled dollar diplomacy an American President has taken the world's greatest step toward universal peace through the French and British arbitration treaties. During the same period, through our new treaty with Japan, the so-called Japanese immigration question, at one time so troublesome and by many declared impossible of solution, has been settled permanently and satisfactorily. There have been more resorts to arbitration and more peaceful settlements of just claims and more brushings away of misunderstandings than seem to have occurred in any other corresponding period.

The effective work done by the Consular Service is just beginning to receive recognition, and during the last two years the Diplomatic Service has been aroused to the fact, which long ago was well recognized by other powers, that one of the most important functions of that branch of the foreign service is to help promote trade. The consuls have been extending unusually efficient help in the way of keeping American exporters in touch with the commercial situation and the opportunities in their districts. They have opened up many new avenues of trade through the information forwarded, which is transmitted to American manufacturers and exporters. A notable feature of the work in Washington, so far as it relates to trade relations at least, is the large number of important American business men who now come to the department for personal conferences and to secure advice and suggestions, either at the Bureau of Trade Relations or from the experts in charge of the politico-geographical divisions.

All these modern activities of the Department of State and the foreign service are entirely dependent upon that professional efficiency and up-to-date method and organization which have been the aim of President Taft's administration, and, of course, the rigid application of the merit system is indispensable. I do not think it is generally appreciated that during this administration there have actually been more appointments of consular officers and secretaries in the foreign service made, in proportion to population, from the Southern than from the Northern States. This is to equalize the representation of the States and Territories in the service along the lines of the new regulations which the President has urged Congress to give the force of law.

There is another thing perhaps not generally realized, namely, that, with an export trade of over \$2,000,000,000, the total cost to the American taxpayer of the whole foreign-service establishment, including the Department of State, the Diplomatic Service, and the Consular Service, in 1911 was only \$1,760,000 net, in round numbers. Thus, last year, the year of its greatest activity, the whole foreign-service establishment, which is expected, besides extending foreign trade, to conduct our foreign relations and, through a just and conciliatory diplomacy, to preserve us in peace and amity with the nations of the world, cost the American taxpayer less than \$2,000,000, surely a ridiculously small sum when one reflects that during the same year the cost of the military and naval establishments of the United States, exclusive of pensions, reached the enormous total of some \$215,000,000.

Of course our enormous coast line, our outlying possessions, our position as a world power and as a commercial nation demand a powerful navy; but surely where we spend one hundred dollars for military and naval establishments we ought at least to be able to spend more than one dollar upon the cultivation of international commerce, good neighborhood, and peace.

Mr. LINTHICUM. There is one other question. Will you please state just how manufacturers and merchants can get information from consuls?

Mr. CARR. Any manufacturer or merchant may write direct to a consul and ask him questions. Or, if he wants a subject investigated in several parts of the world, he may write to the Department of State, setting forth what information he wants, and the department will instruct the officers to make the necessary investigations and report the facts. The report will be printed and transmitted to the manufacturer and published for the benefit of all others engaged in the same line of business.

I have dwelt upon the commercial work of the foreign service because it is work that more closely touches the interests of all of our people, whether they are engaged in manufacturing or farming

or in any other occupation. But there are many other activities that could be mentioned. The consular officers by their watchfulness over the values of merchandise shipped to this country from abroad are instrumental annually in saving to the Government thousands of dollars in customs revenue. Through the timely intervention of the officers of the foreign service the lives of Americans abroad are frequently saved and their property and other interests preserved. In a larger way the question of whether we shall maintain peaceful relations or go to war not infrequently turns upon the skill with which an officer of the foreign service discharges a duty assigned to him; and the degree of cordiality which characterizes our relations with other nations is only too often measured by the efficiency of individual members of the Diplomatic and Consular Service. Therefore I am convinced after having studied this question for a number of years that one of the most profitable investments this Government could make, one that would pay a large income upon the amount invested, would be the building up of a strong and efficient Diplomatic and Consular Service and maintaining it upon a scale equal at least to that of any other nation. By the enactment of this bill a great step in that direction will have been taken.

STATEMENT OF ANSLEY WILCOX, ESQ., OF BUFFALO, N. Y.

The CHAIRMAN. Give the reporter your name and address.

Mr. WILCOX. Ansley Wilcox, Buffalo, N. Y.

The CHAIRMAN. What position do you hold?

Mr. WILCOX. I am chairman of the committee on diplomatic and consular reform of the National Civil Service Reform League and have been chairman of that committee for a number of years. I appear here in favor of the Sulzer bill as the head of that committee for the National Civil Service Reform League, and I also appear with resolutions passed by the Buffalo Chamber of Commerce indorsing the Sulzer bill, which I shall ask the privilege of reading, as the resolutions were drawn in such a way as to summarize the reasons for approving the Sulzer bill, by a purely commercial organization like our great chamber of commerce of Buffalo. They summarize a great deal of what there is to be said on this subject. These resolutions were first passed upon by the committee on state and foreign commerce of the Buffalo Chamber of Commerce, were adopted unanimously by that committee and then unanimously adopted by the directors of the chamber of commerce, and they read as follows:

CHAMBER OF COMMERCE OF BUFFALO.

At a meeting of the trustees held on Tuesday, March 12, 1912, the following resolution, recommended by the committee on State and national affairs, was adopted unanimously:

"Resolved, That the Chamber of Commerce of Buffalo heartily approves and indorses the bill pending in Congress entitled 'An act to improve the foreign service,' introduced by Mr. Sulzer, being substantially the same bill formerly introduced by Mr. Lowden. This bill would classify the Diplomatic Service in its lower grades and permit its thorough reorganization, as the Consular Service has heretofore been classified and reorganized under an act of Congress, and would recognize and give legal validity to the examining boards for the Consular and Diplomatic Services already created under Executive orders of President Roosevelt and President Taft, and thus would secure so much of the merit system of appointment and promotion in these great branches of our foreign service as has been introduced and found to be practicable under these existing Executive orders.

"This bill, which is understood to have been drafted by the State Department and is strongly recommended by that department and by the President, would insure the creation and continuation of skilled and efficient Diplomatic and Consular Services, and thus would advance the credit of the Nation and our opportunities for successful business with foreign countries."

Copies of these resolutions have been sent to all the members of the committee, I think. They show the attitude of the Buffalo Chamber of Commerce, but I will say a little more before I go on to speak for the Civil Service Reform League, and speak to the merits of the bill itself.

I happen to be very familiar, sir, with the views of the chambers of commerce of the country on this subject, because, quite independently of my position in the Civil Service Reform League, I have for years represented the Buffalo Chamber of Commerce on the subject of consular reform, and I have worked with the representatives of the National Chamber of Commerce on that subject for a great many years. We had a great convention of the chambers of commerce, a great commerce convention, I think it was called; I can not give you the exact year, but I think it was 1908, was it not?

Mr. CARR. It was in 1906.

Mr. WILCOX. It was in 1906, and it was a great convention of all the commercial bodies of the country, and they met in Washington, and they made a special feature of urging upon Congress the passage of the consular reorganization bill, which was then pending, and which apparently, up to that time, had not nearly as much opportunity for passing as the bill now pending before you has, or nearly as much apparent strength. So much popular sentiment was created by the unanimous expression of feeling of these representatives of the business men of the country at that time, and so much influence did they have upon the then existing Congress of the United States that the bill was passed within two months after that Congress adjourned.

Senator Root, then Secretary of State, came before our convention and addressed us on the subject, and a special committee was appointed to come up and confer with the Speaker of the House of Representatives, our old Uncle Joe, who received us very kindly, and the chairman of this committee, and the bill was favorably reported as the bill was then passed. The commercial bodies of the country, from all parts of the country, expressed themselves consistently and periodically in favor of this legislation. Immediately after the passage of the consular reorganization bill President Roosevelt issued his Executive order in which he created a board of examiners for the Consular Service and created the system which since then has existed by which an effort has been made to select candidates for the Consular Service on the basis of merit and fitness and not for parties and considerations.

That was the beginning of the reform in the foreign service in modern times. I am not saying that efforts had not been made in that direction before. Some efforts had been made during President Grant's administration and, I believe, by President Cleveland.

Mr. FLOOD. Do you believe that if any civil-service provision had been put in that bill it would have had any chance of getting through?

Mr. WILCOX. I doubt it. I was in that matter as a civil-service reformer and a thorough believer in the merit system, as representative of the commercial bodies, and I advocated taking out of the bill—it had civil-service provisions requiring the President to make appoint-

ments in certain ways, not according with the results of examinations, and I opposed them. I believe they were right in principle, but I know they were of doubtful constitutionality, and I doubt whether the bill would have passed. It was a bill to classify the Consular Service in order that the President might apply the merit system to it, and that is all the bill did do. I doubt whether Congress would have passed the bill if the other provision had been in it, and I personally doubt whether it ought to have passed it, because I think any mandatory provision——

Mr. GARNER. I was going to ask this question: By referring to the hearings on the diplomatic bill you will see——

Mr. WILCOX. That was the consular bill.

Mr. GARNER. The consular bill I mean. You will find that Senator Root admitted that it was unconstitutional and would be merely advisory to the President, where the committee asked him, if he were a Member of Congress, whether or not he would give his sanction to an unconstitutional measure of that kind. I think the questions and answers addressed to and given by Secretary Root would be quite interesting before a committee of this kind.

Mr. WILCOX. I hope you will refer to them, for I am sure you remember it wrongly. I had many conferences with Mr. Root, and I am going to see him as soon as I can after getting through with this hearing, and I know his views on that subject, and I am quite sure you have them wrong. Mr. Root, if asked the question whether Congress could constitutionally pass a bill imposing a restriction upon the President, would be found to say no, as a lawyer. But Mr. Root, if he had been asked whether Congress could pass a bill classifying and reorganizing the Consular Service, arranging salaries, systematizing it, in order to make it a graded service, with some sort of order, bringing order out of chaos—that is what the bill did for that service—if asked whether Congress could do that, he would certainly have said they could have passed the bill. The Sulzer bill does that. There is no doubt as to its constitutionality.

Mr. GARNER. He did say this, with reference to it, and Congress immediately, in response to it passed a constitutional measure, and it went on and became a law, because Congress is as anxious as anybody to give you every assistance possible, but if you ask for that, you assume it to be an unconstitutional position?

Mr. WILCOX. You will never find me in that position, sir. I would never ask you to pass such a bill. I believe in upholding the Constitution, and I believe that the Constitution is a thing of life, that there is nothing else bigger than that in the country, not even the popular will, until the popular will expresses itself in that particular way to amend the Constitution.

Mr. FLOOD. Do you not think that bill was a very popular measure all over the country?

Mr. WILCOX. I think it was a tremendously popular measure, but not half as popular as this one. I do not think there was one-half the sentiment behind it as there is behind this, because the sentiment had gone on accumulating and accumulating and accumulating——

Mr. FLOOD. That bill had some very admirable features in it.

Mr. WILCOX. Yes, sir. The main thing in this bill is to do for the Diplomatic Service what that bill did for the Consular Service, and if you did that only this bill would still be a great bill.

Mr. FLOOD. The main feature was one abolishing fees and substituting salaries for all consuls; another was the establishment of inspectors, which everybody admitted was very essential to keep the Consular Service in proper condition.

Mr. WILCOX. The abolishing of fees and the establishment of inspectors were great things, but they were incidental, not the main features of the bill. The main feature of the bill was to classify and organize the Consular Service, and grade it and fix the salary for the grades, not having salaries for individual places, but a salary for each grade.

Mr. FLOOD. There is a wide difference in saying how the Consular Service shall be organized, and in saying who shall fill the offices?

Mr. WILCOX. Absolutely, the greatest difference in the world, and the thing that I was working for before and the commercial organizations were working for was to have a system created so that a willing President could follow the system and methods in the filling of the offices. He would not have to appoint men to an individual consulship, with a salary fixed by a separate law, but he could appoint him in the lowest grade, and then promote him. There was no such thing as real promotion possible in the service then, because the service was not graded. It might be practically a promotion, a promotion in that he gave a man a higher salary, but that was not really a promotion. If you changed a man from Niagara-on-the-Lake, in my own neighborhood, on the Canadian border, to London, it was not, technically, promotion. He lost one job to get another. To-day we have the consul general at London and Paris, and one or two other places in the first grade, and their salary is fixed, and the little consulships are the lowest grade of consulships, and there are various grades in between, and the appointments under the consular reorganization bill are ordinarily, not necessarily, but usually, to the lowest grades of the service, and by a process of elimination and development the higher positions are generally filled by promotion.

Mr. FLOOD. I understand you to say the desire was to do by this bill for the Diplomatic Service what was done by the act of 1906 for the Consular Service?

Mr. WILCOX. Yes, sir.

Mr. FLOOD. Why would it not be wiser to frame a measure along the lines of the bill of 1906?

Mr. WILCOX. This bill does it. I suppose the State Department knows what is needed for this purpose.

Mr. FLOOD. That goes further.

Mr. WILCOX. Oh, pardon me. The bill classifies and reorganizes the Diplomatic Service as the consular reform bill classified and reorganized the Consular Service. It might stop right there.

Mr. GARNER. As a representative of your organization, and as a lawyer do you not believe that if this bill should be recommended to Congress, it ought to stop right there and not go further and undertake to direct the President as to what he could do?

Mr. WILCOX. It does not undertake to direct him. That is what I wish Mr. Carr had said. It does not direct the President to do anything, and that is why the bill is perfectly constitutional. It does not interfere in the slightest degree with his actions. It enables him to do more than he has been able to do before. It gives the sanction of Congress to the Executive orders, which now depend, or did depend,

first upon the will of Roosevelt, and now upon the will of Taft, backed up by the enormous public sentiment of the country, but which the next man, whoever he may be, can wipe out of existence.

Mr. GARNER. In other words, you believe that anything is constitutional that does not do violence to the Constitution?

Mr. WILCOX. The Constitution of the United States works the other way.

Mr. GARNER. That is one school.

Mr. WILCOX. I do not adhere to that school. The Government of the United States is a government of limited powers.

The CHAIRMAN. We belong to the same school.

Mr. GARNER. I wish we had more people of your views.

Mr. WILCOX. The Government of the United States is a government of limited powers and only has the powers given to it.

The CHAIRMAN. You are a constitutional lawyer, Mr. Wilcox?

Mr. WILCOX. I do not pretend to be a constitutional lawyer.

Now, coming back to this situation. President Roosevelt, under the consular reorganization bill, created a sort of merit system for the Consular Service. It is not what we call a complete or highly developed or perfect merit system, and those of us who believe in the elimination of politics from the appointments, and that appointments should be made entirely on merit, simply and solely on business for the service, might be disposed to criticize the existing system, if it had been in the power of the President to make it any stronger. It does not provide for open, competitive examinations. The examinations are not open because the President and the powers that have the vising of the list go through and say who shall go into the examination. There are two good reasons advanced why that should be the case, which are not equally applicable to the domestic civil service of the United States. I bow to the weight of those reasons and know that wiser men than I do believe in them, and I am not claiming to have all the wisdom in the world.

In the second place, after examinations are held there is no graded list, there is no man at the head, they are simply passed as having fitness for these positions, and then they are selected, as I am told, from the State Department, and as we find upon an independent investigation of the facts—since we talked with you about this thing Mr. Goodwin has made an independent investigation, and we find that the general tendency of things has been to appoint the best men, and that is pretty nearly all you can hope for in a service which has been given up to the other method of appointment. You can not hope for a great advance in the new system for a few years.

The principle under which the examination was held, as defined by the Executive order, required that political and partisan considerations shall be excluded, and that the examination shall simply test the merits and fitness of candidates, and there is not the slightest doubt but that the examining boards follow that principle. They are interested in finding the best men. From that list the Secretary of State and the President make the appointments, and we have every reason to believe and do believe that the appointments are made of the best men that they can find. Sometimes a man is not the man best fitted for the particular place; he may not know the language or his health may not be suitable. There are lots of strings of that kind which come into these appointments to foreign positions

which are not so applicable to the domestic service. There you have it.

The commercial bodies and the civil-service reform bodies know we have an enormous improvement in the Consular Service under the classification bill and under the Executive order of Roosevelt; and following that Taft issued his Executive order covering, in the Diplomatic Service, almost the same lines, and providing for an examination for the Diplomatic Service, and making the same provisions for the Executive order, in substance, that the examination should determine the fitness of candidates for the positions, and nothing else; that personal considerations and political considerations should be disregarded.

Furthermore, Mr. Chairman, if you will only look at this bill, you will see—I was speaking of the Executive order then and not of the bill—the Executive order in the Diplomatic Service referred specifically to the desirability of preserving the existing practice of apportioning those among the States of the country, as far as practicable. I am bound to be frank, and say to you that if I were creating a system out of my own brain, I should ignore those State lines and would urge a system of appointing the best men without regard to where they came from, Mr. Garner.

Mr. GARNER. That would hardly ever happen; if you did that, you would get all the men from Texas. [Laughter.]

Mr. WILCOX. Do you want to know why? It is because Congress would not give them the means to administer it right.

Mr. GARNER. That criticism may be just; I do not know.

Mr. WILCOX. It never has given the means.

Mr. GARNER. You can outline an ideal system, but when you put it into execution and the men who are supposed to execute it do not carry out that system, then it does not work like you expected it would work.

Mr. WILCOX. I am not criticizing apportionment among the States. I am not opposing that feature of the bill or the Executive order. This Government is a government made up of an aggregation of States, and there is a pride in State sovereignty, and if that helps to make the measure popular in Congress there is something to be said for it, and there is one real reason to be given for it, and that is this: That it helps to make the diplomatic and foreign service of this country familiar to the people of the country. It spreads knowledge of it into the various States, to the farthest point of the country, to have a few representatives of the country from those States scattered over the world, and that is a good thing. They take back knowledge which spreads to the people of their own communities. It helps to bring the people in general into familiarity with the foreign service.

Mr. CLINE. There is another result there, and that is it helps our foreign trade to scatter those people over the United States and brings the foreigner into contact with representatives of the business interests of the locality from which the man comes.

Mr. WILCOX. I should not say so. I am not interested in opposing that suggestion. I should say that a really good consul should be ready to represent the commercial interests of the entire country and be familiar with them, and if he is not he should be required to acquire familiarity with them, so that, for instance, he could make the people of Russia familiar with the McCormick and with the Buffalo reapers just the same, even though he came from Texas.

Mr. CLINE. He could do it a great deal easier by coming from the locality where those articles are manufactured and knowing something about them, could he not? He would have more interest in working up the trade?

Mr. WILCOX. The ordinary man can have a personal knowledge of only a small part of all the products in this country.

Mr. CLINE. But that man would be more interested in working up a trade for articles in his own part of the country.

Mr. WILCOX. I can not say that is a sound principle.

Mr. GARNER. Just wait a moment. Two or three years ago the Members of Congress from the South persuaded the House to appropriate a large sum of money for the purpose of educating the people abroad with reference to the price of cotton seed, especially oil. It was then understood that men would be appointed for that purpose who were familiar with the cottonseed industry. It is discovered now, at the end of three years, that there is only one man working under that appropriation who really goes from the South for the purpose of educating people abroad with reference to cottonseed oil. Men are being sent from your State and other States——

Mr. WILCOX. To do that particular thing.

Mr. GARNER. On the pretense that they are sent for the purpose of educating people in the products of cotton seed, especially oil, under that appropriation. I think that is a misdirection of the funds that Congress appropriated.

Mr. WILCOX. Do you think so? I am not familiar with the case, so that I can not speak of it.

Mr. GARNER. I happened to have it in my mind in connection with what Judge Cline had said; that a man from Texas ought to know more about the uses for which cotton seed is used than a man from the State of New York.

Mr. WILCOX. Yes; he would know more about it, naturally, in the first instance. Whether, after a week or two of study of the literature on the subject, the other man would not be able to represent the country just as well is a debatable question, in my mind. I do not think that has a great deal to do with the real merits of the question we are discussing.

Mr. CLINE. I simply mentioned that as incidental, not as referring to the merits of this proposition.

Mr. WILCOX. You may be right about that. There are many peculiarities of these services which differentiate them from the domestic civil service.

President Taft's Executive order in regard to the Diplomatic Service has now been in effect for a year or two. But the difficulty in applying that order to the Diplomatic Service is found in the fact that the Diplomatic Service is in the same sort of condition that the Consular Service used to be. It needs reorganization, and the very first thing this bill does is to classify and reorganize the Diplomatic Service, and the new feature of the bill which is introduced into it now, as the bill that is introduced by Mr. Sulzer, is this addition in the very first paragraph:

That the President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of to places, subject to the advice and consent of the Senate in each case.

There is a particular provision that he does not have to appoint him to a particular place, but to a grade in the service.

Mr. GARNER. Why not strike out "may" and insert "shall"?

Mr. WILCOX. I think that would be unconstitutional.

Mr. GARNER. Then it is still advisory?

Mr. WILCOX. It is purely advisory. The classification is a matter strictly within the jurisdiction of Congress.

Mr. GARNER. And the suggestion to the President as to how he shall fill the places is purely advisory?

Mr. WILCOX. It is purely advisory. The appointments are subject to the advise and consent of the Senate in each case.

There are the two things the bill does, it reorganizes the service, and permits the appointment of secretaries in the Diplomatic Service and of consuls general and consuls to grades.

What the bill does in addition to that is merely in section 4, which merely recognizes, and requires and gives the sanction of Congress by way of consent to the existing Executive order, creating examining boards in the Diplomatic and Consular Service under these two different orders. That provision stating who shall compose the board, in my opinion, is not compulsory upon the President. The President asks you to do it, and there are the men whom you know he has appointed. It gives a good deal of latitude. It says:

That the board of examiners for the Diplomatic Service shall be composed of an Assistant Secretary of State, the chief examiner of the Civil Service Commission, or such other officer as that commission shall designate, a law officer of the Department of State, and one other officer to be designated by the Secretary of State.

It simply says there shall be four persons representing the different branches of the service, leaving it to the head of the department to pick out the individuals. So in regard to the board of examiners of the Consular Service, although one of the officers there designated is the Chief of the Bureau of Trade Relations.

Then it defines the scope of the examination:

But the examinations shall include business experience and ability, the resources and commerce of the United States, with special reference to the development of export trade, international, commercial, and maritime law and history, American history, government, and institutions, and one language other than English.

Those are the subjects which the examination shall include.

There is nothing in that to prevent the President from adding other things, and I doubt whether you could compel him to insist upon the examination covering each one of those things. He could probably omit one of them, and I do not believe he could be impeached for it. In some respects that direction is suggestive rather than compulsory.

Mr. GARNER. This bill would be complete without section 3, that would provide for a complete reorganization of the diplomatic service, would it not?

Mr. WILCOX. I am inclined to think it would.

Mr. GARNER. Of course section 2 and section 3 would be complete within themselves, except that section 2 refers to certain examinations contemplated in sections 4 and 5.

Mr. WILCOX. It would do no harm in leaving it just as it stands. What is the harm in doing the other thing? That is what the commercial bodies of the country as well as the civil service reformers are urging you to do, to give the sanction of the law to it, and in that way to put the seal of the approval of the American people upon it here and now.

Mr. LINTHICUM. Would that give the President something to stand upon when some one was very strongly indorsed whom he did not believe was suitable for the service? He could say, "Gentlemen, I do not like to act when this law is upon the statute books, unless your applicant complies with the provisions of this law." Would not that give him some excuse for not appointing a man who was not suitable for the service?

Mr. WILCOX. Decidedly. If the President needs help, he would get help from that.

Draw the picture of a politician going to the President and saying, "I have got to carry my State, and I have here a man who wants to go to London. There is a vacancy in London and he must have it." The President says, "There is my Executive order," and the politician says, "What is an Executive order between friends? I want this man to go to London." Now, this would give the President something to help him out.

Mr. FLOOD. And especially if there is public sentiment back of it.

Mr. WILCOX. Especially if there is public sentiment back of it. There is no doubt about that at all.

Sections 4 and 5 are the sections about which the question of constitutionality might be raised, but I believe you will fail to find anything that might suggest unconstitutionality. There is a suggestion of suspicion in regard to the way the President shall make his appointments. The examinations are to be held—

at least once annually, and shall be conducted with strict impartiality, and without regard to the political or other affiliations of any candidate; and upon their conclusion the boards of examiners shall certify in writing to the Secretary of State the names of those persons whom they have found to be, in their judgment, thoroughly well qualified for the Diplomatic or Consular Services; and the report of the board shall be made public; and the Secretary of State shall at the same time make a public statement of the proportional representation of the different States and Territories in the foreign service.

And there it stops. What is there unconstitutional in that? No lawyer can honestly suggest that there is anything in that that breaks the Constitution or gives it the slightest kind of a twinge.

Mr. GARNER. You would not contend, I take it, that this would prevent the President from appointing whom he might choose?

Mr. WILCOX. Not a bit. But any President of the United States, who, after Congress had passed this bill and given the sanction to these improved methods of searching for the merit of candidates, any President of the United States who would go back on that and make a political appointment of somebody who was not in that list, would, I think, suffer so severely that he would not repeat the experiment.

The CHAIRMAN. No President would do it twice.

Mr. WILCOX. He would not do it often. It would take some such case as that to arouse the thinking people from one end of the country to the other. It could be said to that President, "If you want to appoint that man, put him into the examination, and if he can pass it, you can appoint him, of course." If he did the other thing, he would be condemned, and there would be no language strong enough to criticize a man who would do that thing. There has never been a President of the United States who would have done it, I believe. I do not think Andrew Jackson would have dared to do it.

Mr. GARNER. Do you know, Mr. Wilcox, what the salaries under this classification are as compared to the salaries being paid now?

Mr. WILCOX. I do not know.

Mr. CARR. The proposed classification is at the rate of the salaries being paid now. There is now no classification.

Mr. GARNER. The salaries being paid now—

Mr. CARR. In other words, this does not make any additional appropriation necessary from Congress.

Mr. GARNER. I understand. In making the appropriation we could say, "Secretary, class 1," "Secretary, class 2." That is the way it would work out?

Mr. WILCOX. Yes. You could do it the same as you do it in the Consular Service, but I hope you would not. You can not make any mistake by leaving out the places entirely every time you make an appropriation for offices of this kind, leaving it to the President's discretion to send an officer in the same class.

Mr. GARNER. In other words, you want all the elasticity you can get?

Mr. WILCOX. All the elasticity that is reasonable and right.

I have said all I want to say, Mr. Chairman. Allow me to submit a report made by the special committee of which I have the honor to be chairman.

The CHAIRMAN. You can put that in the record as a part of your remarks.

Mr. WILCOX. I would be glad to. That report has been sent to you, and I have a printed copy of it.

The CHAIRMAN. Put it in the record.

Mr. WILCOX. I will put it in the record. That emphasizes the points I have made to-day.

The report referred to is as follows:

REPORT OF THE SPECIAL COMMITTEE ON CONSULAR REFORM.

The reclamation of the foreign service of this country, consular and diplomatic, should be made the subject of a thorough and more or less extended report in the near future. The present report is intended to summarize the facts which have now become historic, and to show the general conditions under which these great branches of our Government are working, and to prepare the way for a fuller report after a study of the details and of the growth of the new system. Such a study is yet to be made, and will be made as soon as the small but very competent force in our secretary's office can give the necessary time to it.

The progress already achieved is marked by three notable events, which have been frequently reported and commented upon.

First, under President Roosevelt and Mr. Secretary Root, was the passage of the consular reorganization bill of April 5, 1906 (amended May 12, 1908), which classified, graded, and regulated the Consular Service, and prepared the way for a proper system of appointments and promotions. This most signal achievement was the result of long years of effort, in which during the later stages the chambers of commerce and other commercial bodies of the country took the leading part, strongly supporting the President and the State Department and supported by this league.

Quickly following, on June 27, 1906, came President Roosevelt's Executive order (amended and improved in one important particular by President Taft, Dec. 23, 1910), containing regulations to govern the selection of consuls general and consuls in the civil service of the United States, subject always to the advice and consent of the Senate. This created a system of appointment and promotion in the Consular Service based upon merit as ascertained by examinations, and went as far in the direction of establishing a complete merit system as was then thought to be practicable by the President and his most influential advisers. But the order embodied three features which are limitations upon a perfect merit system as worked out in other branches of the service: (1) The examinations are not open to the public, but limited to persons designated by the President; (2) the examinations are not competitive, but appointments can be made from the eligible list without regard to standing; and (3)

the order preserves the rule that as to candidates of equal merit appointments should be made so as to secure proportional representation of the States and Territories in the Consular Service.

Nevertheless, this Executive order provided for comprehensive and searching examinations for entrance into the lower grades of the service, and expressly excluded all considerations of political affiliations, and it required that promotions should be made only for efficiency demonstrated in the service. Thus it marked a great advance upon previous conditions. The process of reclamation thus started under President Roosevelt is one of the most beneficent achievements of his administration. Immediately the vitalizing and purifying waters of the merit system began to work their way into our foreign service, which had been reduced into somewhat the conditions of a barren desert by the devastation of spoil-seeking politicians.

In the first year of President Taft's administration, on November 26, 1909, came the third great step in advance in his Executive order governing appointments and promotions in the Diplomatic Service, and for the improvement of the personnel of the Department of State (also amended December 23, 1910). This step was taken by the President and the Department of State under Mr. Secretary Knox of their own motion; that is, without any considerable fresh agitation from outside. The order provides for examinations for entrance into the Diplomatic Service, and also upon transfers within the service, and for promotions on the basis of merit and proved efficiency to prepare for which there must be kept "a careful record of the efficiency of each clerk in the department." This order again was intended to introduce into the Diplomatic Service as much of the pure merit system of appointment and promotion as seemed to be consistent with the constitutional and statutory provisions for appointments by the President, by and with the advice and consent of the Senate, and other peculiar conditions affecting that branch of the service. It had, and surely must continue to have, a tendency to reclaim the Diplomatic Service from the spoilsman, and to put it in condition to serve the Nation and protect its interests with dignity and efficiency.

Our further study should be directed to ascertaining how these Executive orders have worked in actual practice after five years and two years, respectively, and this, as already stated, will be undertaken in the near future. It will be interesting to learn how the three limitations on the competitive merit system contained in the consular reform order have developed and affected the operation of the system; that is to say, how far, if at all, the requirement that candidates shall be approved in advance by the President as to their personality may have tended to limit applications, and whether this is beneficial, and how the idea of territorial distribution has been carried out, and how far appointments from the eligible list are made in practice from candidates standing at or near the head of the list, rather than those graded lower. In general, the question is as to the extent to which appointments are now made in the Consular and Diplomatic Service on the basis of merit and fitness solely without undue influence by political or personal or local considerations. This, of course, is what we all aim at, and there is abundant evidence that this is the aim of the present administration, as it was the aim of the preceding one.

Aside from demonstrating the working of the present system and the progress which has been made under it, there is the important question of strengthening the system and insuring it against possible setbacks in the future, under other national administrations which might be less friendly to the principles of the merit system. To this end an effort is being made to give legal sanction to the introduction of the merit system in the Consular and Diplomatic Service which now rests merely upon these two Executive orders, so that these orders could not well be revoked or ignored in practice by any subsequent Executive. This effort is now embodied in the Lowden bill, so called, introduced in the House of Representatives January 11, 1911 (H. R. 31170), entitled "A bill for the improvement of the foreign service."

The Lowden bill classifies and grades the secretaryships in the Diplomatic Service, a very necessary prerequisite to any reform, and provides for a board of examiners in the Diplomatic Service, and also in the Consular Service, thus giving these two existing boards a legal standing. It provides generally that the scope and method of the examinations shall be determined by the boards of examiners, but makes certain excellent requirements as to what the examinations shall include, showing that they must be very comprehensive. It requires that examinations shall be held at least once a year, and shall be conducted with strict impartiality and without regard to political or other affiliations of any candidate. Upon their conclusion the examiners shall certify the names of the persons whom they have found to be thoroughly well qualified for the Diplomatic or Consular Service, which report shall be made public; and the Secretary of State shall at the same time make a public statement of the proportional representation of the different States and Territories in the foreign service.

The bill also requires the Secretary of State to report from time to time to the President, with his recommendations for promotions or for transfers, the names of those secretaries in the Diplomatic Service and of those consular officers or departmental officers or employees who, by reason of efficient service, an accurate record of which shall be kept, have demonstrated special efficiency, and also the names of persons found on examination to have fitness for appointment to the lower grades of the service. It is understood that this bill emanated from the State Department and represents the ideas and the wishes of the present administration by ways of securing the advances already made. The bill certainly has great value and should be urged for passage by the friends of the merit system and of good government. In this we should be supporting the administration of President Taft, and would be justified by the very luminous and favorable report made on this bill by the Foreign Affairs Committee of the House of Representatives.

In closing this report we can not do better than to quote the last two paragraphs of President Taft's message to Congress on the foreign relations of the country, transmitted December 7, 1911, as follows:

"The entire foreign service organization is being improved and developed with especial regard to the requirements of the commercial interests of the country. The rapid growth of our foreign trade makes it of the utmost importance that governmental agencies through which that trade is to be aided and protected should possess a high degree of efficiency.

"I therefore again commend to the favorable action of the Congress the enactment of a law applying to the Diplomatic and Consular Service the principles embodied in section 1753 of the Revised Statutes of the United States, in the civil-service act of January 16, 1883, and the Executive orders of June 27, 1906, and of November 26, 1909. In its consideration of this important subject I desire to recall to the attention of the Congress the very favorable report made on the Lowden bill for the improvement of the foreign service by the Foreign Affairs Committee of the House of Representatives. Available statistics show the strictness with which the merit system has been applied to the foreign service during recent years and the absolute nonpartisan selection of consuls and diplomatic service secretaries who indeed far from being selected with any view to political considerations have actually been chosen to a disproportionate extent from States which would have been unrepresented in the foreign service under the system which it is to be hoped is now permanently obsolete. Some legislation for the perpetuation of the present system of examinations and promotions upon merit and efficiency would be of the greatest value to our commercial and international interests."

The CHAIRMAN. Is there anything further you desire to say?

Mr. WILCOX. I think not.

The CHAIRMAN. Mr. Goodwin, do you desire to be heard?

STATEMENT OF MR. ELLIOTT GOODWIN, SECRETARY NATIONAL CIVIL SERVICE REFORM LEAGUE.

Mr. GOODWIN. I only want to say a few words, Mr. Chairman, on the point on which Mr. Wilcox appealed to you. He appears for the National Civil Service Reform League, and has covered the ground fully.

He referred to me as having made an investigation of the working of the present Executive orders. The council of the National Civil Service Reform League, before indorsing this bill, wished to know exactly what results it would accomplish. I have been connected with the league as its secretary for some 10 years, and have had considerable experience in the administration of civil-service systems. Through the aid of Mr. Carr, and with the advantage of entire frankness on the part of the officers of the State Department, I was able very quickly to get at my subject. I examined the eligible lists, I saw the lists of recommendations, the apportionment among the States, and went thoroughly into the kind of examination that is set. While noncompetitive examinations are generally supposed to deteriorate—the standard is not maintained—I find that has not been

the case in connection with the consular examinations; that the standard has been maintained through the years that they have been used. I further found that there can be no question that the standard has been raised; that the kind of men who enter the Consular and Diplomatic Service under the examination system established by the Executive orders is far superior to what obtained prior to the issuing of those orders.

Now, gentlemen, we are asking simply that you give the sanction of law to a system now existing, which no one has been bold enough to propose shall be abandoned. It rests to-day on Executive order. It has been tried out, its results are known, and we ask for the sanction of law for the maintenance of that system, because it will have more stability, more recognition, if it is in the form of a statute than in the form of an Executive order. We base that request, first, on the ground that it has improved the Consular and Diplomatic Service, improved its efficiency; second, that there are records to which Mr. Carr has referred showing that the Consular and Diplomatic Services are more democratic and less partisan than they were under the lack of systems which obtained before these orders were adopted. We think those are sufficient grounds to call for the enactment of this bill.

The CHAIRMAN. Congressman Foss, we will be glad to hear you, and regret we kept you waiting.

STATEMENT OF HON. GEORGE EDMUND FOSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS.

Mr. Foss. Mr. Chairman, I am glad you did keep me waiting, because I came here rather to introduce a gentleman whom I expected would arrive on the morning train from Chicago than to speak upon the measure myself. That gentleman is Mr. Austin A. Burnham, secretary of the National Business Men's League of America. It is a large organization, composed of men of large affairs from different parts of the country, and this league has been among the foremost organizations of this character in the past in standing for and promoting efficiency in the Consular Service. In fact, they have supported all the measures which have been reported from this committee in favor of an improvement of our consular system, and I wish to compliment this committee for the splendid work it has done in the past and, under your distinguished chairman, is attempting to do now, by introducing into our Consular and Diplomatic Service as large a portion of the merit system as it is possible to get into it.

Now, the measure which I have introduced in Congress—I am not the father of it; this great organization of business men known as the National Business Men's League of America is the father of this measure, as I understand it—this bill is substantially the same as the Sulzer bill and is known as H. R. 15925. The last half of the bill is substantially the same as the Sulzer bill, but the first half goes a little further. I know if the representative of the league were here he could make a more effective argument than I.

The CHAIRMAN. We will be glad to hear Mr. Burnham whenever he comes.

Mr. Foss. I shall bring him before the committee when he arrives. This bill goes much further, and introduces, I may say, a maximum

amount of the merit system into the Consular and Diplomatic Service. It is substantially the same as the bill introduced by Senator Cullom, chairman of the Committee on Foreign Relations, in the Senate a couple of years ago, and introduced by my colleague, Representative Sterling, of Illinois, in the House. I shall not take up the time of the committee except to state just in a general way what this bill proposes to do. First, the appointment of candidates within reasonable age limit to the lower grades of the service, after thorough examination, **all** candidates to be designated by the President for appointment subject to examination; second, vacancies in the higher grades of the Consular Service to be filled by promotion from the lower grades on the basis of efficiency; third, creation of an examination board with rules for examination of candidates; fourth, complete Americanization of the service; fifth, appointment of consuls and consuls general to grades instead of to places, designation of places to be made by the President; sixth, the Government to pay the actual expense of transferring a consul, his family, and effects when ordered to a new post; seventh, grading the secretaries of the Diplomatic Service, with fair compensation, appointment and promotion to be under examination rules and records for efficiency similar to those provided for the Consular Service; eighth, as between candidates of equal merit, proportional representation of all States and Territories in the Consular Service, political affiliations of candidates not to be considered.

In other words, it has all the virtues of the Sulzer bill and goes a little further.

The CHAIRMAN. Would your bill be constitutional?

Mr. FOSS. Of course the main question, undoubtedly, that would come up is the question of constitutionality. I realize that, but without passing on the question I desire to have the committee give its careful consideration. Sometimes I think we spend a good deal of our time in transforming ourselves into a supreme court and passing on the constitutionality of measures, when we ought to devote more time to strictly legislative business. We have a great Supreme Court, and I would like to see a civil service measure go up to the Supreme Court of the United States, if for no other purpose than to definitely pass upon this principal of the merit system in our Consular and Diplomatic Service.

I think there are a number of State decisions holding to the effect that the requirements or qualifications applying to individuals or classes of individuals are not unconstitutional, and do not have that effect. I know these are only in State cases, which I think could be cited. I simply desire to call attention here to a decision of the late Justice Peckham, then justice of the Supreme Court of New York—and I may say this is a statement which I am reading from the brief of the National Business Men's League, in the case of *Rogers v. the Common Council of Buffalo*.

Mr. WILCOX. That was my case.

Mr. FOSS. This is what Justice Peckham says:

Looking at it as a matter of common sense, we are quite sure that the framers of our organic law never intended to oppose a constitutional barrier to the right of the people, through their legislature, to enact laws which should have for their sole object the possession of fit and proper qualifications for the performance of the duties of a public office on the part of him who desired to be appointed to such office. So long as the means adopted to accomplish such end are appropriate therefor, they must be within the legislative power. The idea can not be entertained for one moment that any

intelligent people would have consented to so bind themselves with constitutional restrictions on the power of their own representatives as to prevent the adoption of any means by which to secure, if possible, honest and intelligent service in public office.

Now, gentlemen, I want to say in conclusion, I do not believe you can do a more popular thing in this country than to put this Consular and Diplomatic Service as far as is possible upon a strictly merit basis and take out of it the last vestige of the spoils system.

The CHAIRMAN. You and I quite agree.

Mr. FOSS. Now, you must go further, just as far as you can, and I hope that if any question arises as to the constitutionality of this proposition you will leave that to the body which, under the Constitution of the United States, shall decide it, and no other body can.

I thank you for listening to me, and my regret is that the gentleman whom I expected to introduce is not here.

The CHAIRMAN. We are obliged to you, Mr. Foss. You and I quite agree upon this question, and I hope we will have your assistance in the future as we have had in the past.

Mr. FOSS. You will. I am heartily in favor of your measure, and I know the league is in favor of it. The only difference between the league and yourself is that they do not think you have gone far enough.

The CHAIRMAN. We have gone as far as the State Department thinks we ought to go. My bill is undoubtedly constitutional. That is important.

Mr. FOSS. I know the State Department wants this measure if it can get it. I know how Mr. Carr feels. He wants the substance and not the shadow. These measures that we have passed have had great effect, and they have laid down these rules; they have been advisory, but we know that in the long run custom makes law, and so it will in this case, we believe. The only question is a question of constitutionality; it is not a question of efficiency, by any means.

Mr. WILCOX. Mr. Chairman, may I say one more word? My belief as to that is that the safest and best course is to pass the Sulzer bill. I believe the Sulzer bill can be passed. That bill is not a subject of attack at all. I believe that bill will accomplish a great deal. Under a willing President it will accomplish just as much as Mr. Foss's bill. After that is done, I believe that the commercial bodies of this country will come back to you and ask you either to recommend a constitutional amendment, or a still further bill embodying all that Mr. Foss's bill embodies. There would be no danger then in enacting such a bill, because you will have tried it on. If that course is followed, we will have tried it on, and then see if we can go further. I do not believe that the reform element will be permanently satisfied with that bill. I believe in fighting along the lines of least resistance. Hence we favor Mr. Sulzer's bill.

Mr. FOSS. I would like permission to file a statement prepared by the league, and some resolutions which have been adopted, in case Mr. Burnham does not appear.

The CHAIRMAN. There is no objection to that.

Thereupon, at 1.15 o'clock p. m., the committee adjourned.

WASHINGTON, D. C., *March 22, 1912.*CLERK COMMITTEE ON FOREIGN AFFAIRS,
House of Representatives, Washington, D. C.

DEAR SIR: I do not expect to be here to revise my hearing, but I wish you would correct any mistakes that you may see, and I wish you would add to my hearing, first, the inclosed bill, which I have introduced. Second, the statement of the National Business Men's League of America, which I herewith inclose. And, third, the letters and editorials which are herewith inclosed.

Yours, very sincerely,

GEO. EDMUND FOSS.

[H. R. 15925, Sixty-second Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES.

DECEMBER 15, 1911.

Mr. Foss introduced the following bill; which was referred to the Committee on Foreign Affairs and ordered to be printed.

A BILL For the permanent improvement of the Consular and Diplomatic Services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consular and diplomatic system of the United States be reorganized in the manner hereinafter provided in this act, and under such rules and regulations, not inconsistent herewith, as shall be prescribed by the President, subject always to the advice and consent of the Senate.

SEC. 2. That vacancies in the office of consul general and in the office of consul above class eight shall be filled by promotion from the lower grades of the Consular Service, based upon ability and efficiency, as shown in the service. Vacancies in the office of consul of class eight and of consul of class nine shall be filled—

(a) By promotion on the basis of ability and efficiency, as shown in the service, of consular assistants and of vice consuls, deputy consuls, consular agents, student interpreters, and interpreters in the Consular or Diplomatic Services who shall have been appointed to such office upon examination.

(b) By new appointments of candidates who have passed a satisfactory examination for appointment as consul, as hereinafter provided.

SEC. 3. That the Chief of the Consular Bureau, the Chief of the Bureau of Manufactures of the Department of Commerce and Labor, and the Chief Examiner of the Civil Service Commission shall constitute a board of examiners for admission to the Consular Service.

SEC. 4. That it shall be the duty of the board of examiners to formulate rules for and hold examinations of applicants for admission to the Consular Service. The scope and method of the examinations shall be determined by the board of examiners, but among the subjects shall be included at least one modern language other than English; the natural, industrial, and commercial resources and the commerce of the United States, especially with reference to the possibilities of increasing and extending the trade of the United States with foreign countries; political economy; elements of international, commercial, and maritime law. Examination papers shall be rated on a scale of one hundred, and no person rated at less than eighty shall be eligible for certification. No one shall be examined who is under twenty-one or over forty years of age, or who is not a citizen of the United States, or who is not of good character and habits and physically and mentally qualified for the proper performance of consular work, or who has not been specially designated by the President for appointment to the Consular Service subject to examination.

SEC. 5. That whenever a vacancy shall occur in the eighth or ninth class of consuls which the President may deem it expedient to fill, the Secretary of State shall inform the board of examiners, who shall certify to him the list of those persons eligible for appointment, accompanying the certificate with a detailed report showing the qualifications, as revealed by examination, of the persons so certified. If it be desired to fill a vacancy in a consulate in a country in which the United States exercises extraterritorial jurisdiction the Secretary of State shall so inform the board of examiners, who shall include in the list of names certified by it only such persons as have passed the examination provided for in this act, and who also have passed an examination in the fundamental principles of the common law, the rules of evidence, and the trial of civil and criminal cases. The list of names which the board of examiners shall certify shall be sent to the President for his information.

SEC. 6. That it shall be the duty of the board of examiners to formulate rules for and hold examinations of persons designated for appointment as consular assistant,

or as student interpreter, and of such persons designated for appointment as vice consul, deputy consul, and consular agent as shall desire to become eligible for promotion. The scope and method of such examination shall be determined by the board of examiners, but it shall include the same subjects hereinbefore prescribed for the examination of consuls. Any vice consul, deputy consul, or consular agent now in the service, upon passing such an examination, shall become eligible for promotion as if appointed upon such examination. All proposed promotions in the Consular Service shall first be approved by the examining board, which shall be advised by the Chief of the Consular Bureau in regard to the service records of the candidates for promotion. No promotion shall be made except for efficiency, as shown by the work that the officer has accomplished, the ability, promptness, and diligence displayed by him in the performance of all his official duties, his conduct, and his fitness for the Consular Service. No person who is not an American citizen shall be admitted to the Consular Service as a consular assistant, vice or deputy consul, consular agent, or student interpreter.

SEC. 7. That as between candidates of equal merit, appointments of consuls general and consuls shall be so made as to secure proportional representation of all the States and Territories in the Consular Service; and neither in the designation for examination or certification for appointment will the political affiliations of the candidates be considered.

SEC. 8. That all appointments of consuls and consuls general of the United States shall be made to grades instead of to places, and the President shall make assignments to such places as he may deem proper.

SEC. 9. That the United States Government shall bear the actual expense of transferring a consul or consul general, his family and his effects, when ordered to a new post.

SEC. 10. That the Secretary of State shall report from time to time to the President, along with his recommendations for promotion, or for transfer between the Department of State and the Diplomatic Service, the names of those secretaries in the Diplomatic Service, who, by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the service.

SEC. 11. That the secretaryships in the Diplomatic Service are hereby graded and classified as follows: Class one, three thousand dollars, secretaries of embassy; class two, two thousand six hundred and twenty-five dollars, secretaries of legation; class three, two thousand dollars, secretary of legation and second secretaries of embassy; class four, one thousand eight hundred dollars, second secretaries of legation; class five, one thousand two hundred dollars, third secretaries of embassy or legation.

SEC. 12. That the board of examiners for the Diplomatic Service shall be composed of an Assistant Secretary of State, the chief examiner of the Civil Service Commission, or such other officer as that commission shall designate, a law officer of the Department of State, and one other officer to be designated by the Secretary of State.

SEC. 13. That the scope and method of the examinations shall be determined by the board of examiners, but the examinations shall include business experience and ability, the resources and commerce of the United States, with special reference to the development of export trade, international, commercial, and maritime law and history, American history, government, and institutions, and one language other than English. These examinations shall be held at least once annually, and shall be conducted with strict impartiality, and without regard to the political or other affiliations of any candidate, and upon their conclusion the board of examiners shall certify in writing to the Secretary of State the names of those persons whom they have found to be, in their judgment, thoroughly well qualified for the Diplomatic Service; and the report of the board shall be made public, and the Secretary of State shall at the same time make a public statement of the proportional representation of the different States and Territories in the foreign service. No person who is not an American citizen shall be appointed to a secretaryship in the Diplomatic Service.

SEC. 14. That examination papers shall be rated on a scale of one hundred, and no person with a general rating of less than eighty shall be certified as eligible. No person shall be certified as eligible who is under twenty-one or over forty years of age, or who is not a citizen of the United States, or who is not of good character and habits and physically, mentally, and temperamentally qualified for the proper performance of diplomatic work, or who has not been specially designated by the President for appointment to the Diplomatic Service subject to examination and subject to the occurrence of an appropriate vacancy.

SEC. 15. That this act shall take effect ninety days after its passage.

SEC. 16. That all acts or parts of acts inconsistent with this act are hereby repealed.

NATIONAL BUSINESS LEAGUE OF AMERICA,
Chicago, March 14, 1912.

Hon. GEORGE EDMUND FOSS,
House of Representatives, Washington.

DEAR SIR: Concurrently the board of directors mail to you a copy of the complete proceedings of the National Business Congress, recently held in Chicago, under the auspices of this league.

In this connection, and in view of contemplated action by the Congress of the United States, your attention is respectfully called to the statement of the "Consular situation" (p. 256), and the Nelson-Foss consular bill (p. 262), which follows. The provisions of this bill, covering the merit system of examination, appointment, and promotion in the consular service, have repeatedly been indorsed and enactment urged by every business interest in the United States. The various bills heretofore so drafted and introduced from time to time, however, have either been stripped of their merit provisions before report or pigeonholed by the Committee on Foreign Relations and Committee on Foreign Affairs, on the alleged grounds of unconstitutionality, a position regarded as wholly untenable when it is considered that under the Executive orders, as well as under the Nelson-Foss bill, the President does and would designate for appointment, subject to examination, all appointments to be made by and with the advice and consent of the Senate, and the further fact that candidates are designated by the President for examination at the request of Members of the Senate.

As indicated in the preamble, the spirit and purpose of the Constitution is broad enough to cover this imperative measure for the general welfare. In any event the question of unconstitutionality is a matter strictly within the province of the Supreme Court of the United States.

This league will vigorously and persistently protest against the enactment of any measure that does not fully cover the principles and provisions of the Executive orders under which examinations, appointments, and promotions to the American foreign service are now conducted.

The immediate enactment of the Nelson-Foss bill is asked for as imperative to the promotion of our foreign trade, in the face of a powerful and ever-increasing commercial competition of the nations.

Yours, very truly,

GEO. W. SHELDON, *President.*
A. A. BURNHAM, *General Secretary.*

NATIONAL BUSINESS LEAGUE OF AMERICA,
Chicago, December 26, 1911.

Hon. GEORGE EDMUND FOSS,
House of Representatives, Washington, D. C.

DEAR MR. FOSS: Responsive to your request, I inclose enough of a statement that will appear in full in the proceedings of the National Business Congress, recently held here, to show some of the principal points of superiority of the Nelson-Foss bill.

I inclose copy of the little yellow booklet containing a few of the opinions of eminent men, living and dead, and quotations from the press since the league began its campaign for consular reorganization.

President Roosevelt, referring to the merit bills which had been introduced from time to time and promptly sidetracked, said: "A standard of excellence can not permanently be maintained until the principles set forth in the bills heretofore submitted to the Congress on this subject are enacted into law."

There is no earthly reason why the Congress should not enact the Nelson-Foss bill. A similar bill should have been enacted long ago, and neglect of this plain duty, which the Congress owes to the business interests of the country, has not added any prestige to the Republican Party that might easily have made good while fully in power.

After 15 years' experience with this consular measure, I am fully aware of the persistence of the "spoils system" in both political parties, but a power is developing in the business field that will sweep away all opposition.

The American Chamber of Commerce in Paris has just indorsed the Nelson-Foss bill.

With best regards, yours, very truly,

A. A. BURNHAM,
General Secretary.

STATEMENT OF THE NATIONAL BUSINESS LEAGUE OF AMERICA.

Since the organization of this Government, until the year 1906, appointments to the American Consular Service were made more upon grounds of party service and party affiliation than for fitness.

While the Nation was young, however, and our foreign trade activities were comparatively few, the necessity for an efficient Consular Service was not keenly felt, and the spoils policy of the appointing powers was endured without emphatic protest; but, as our foreign commerce became an important factor of our progress and prosperity, and the demand for larger foreign markets increased, the need of a thoroughly competent Consular Service became imperative, for upon the business ability of the consul his value to his country depends; not that he is expected to sell American products, but to discover and report opportunities to that end.

The need for a higher standard of efficiency finally became so acute that, about 12 years ago, there was a nation-wide organized effort on the part of business interests to secure enactment of a law that would result in placing the Consular Service on a permanent merit and business basis; making qualification the test for appointment and achievement the open sesame to promotion.

Since the movement began many consular bills have been introduced in the Senate and House; most of them contained merit provisions; a few were reported with amendments but died on the calendar; the remainder were pigeon-holed by the committees in charge, with the exception of the comprehensive Lodge Bill, No. 1345, which, after being stripped of all its merit provisions by the Senate Committee on Foreign Relations, was enacted April 5, 1906. The discarded merit provisions of the Lodge bill, however, were incorporated in President Roosevelt's Executive order of June 27, 1906, and made operative on that date. Whatever improvement has been made in the Consular Service since that time must be credited to the Executive order. Soon afterwards, during the Sixtieth Congress, business interests commenced a vigorous campaign to secure enactment of an adequate law, by the introduction of the Hopkins-Lowden bill, which was not reported. The Cullom-Sterling bill followed in the Sixty-first Congress, but that measure was laid on the table by the Senate Committee on Foreign Relations on the alleged grounds of unconstitutionality, January 26, 1910, and the action of the committee given to the press. So far as we are advised, this was the first public statement of that committee to the effect that that, or any of the consular bills previously introduced, was unconstitutional.

Taking the rejected Cullom-Sterling bill intact, the National Business League of America has incorporated with it provisions grading the secretaries of the Diplomatic Service, placing them under the merit system somewhat similar to the general plan of the Executive order issued by President Taft on November 26, 1909, and framed the new bill, S. 3621, introduced by Senator Nelson, of Minnesota, December 11, 1911, the same being identical with H. R. 15925, introduced by Representative Foss, of Illinois, December 15, 1911. Briefly stated the bill, the merit principles of which have, for many years, been indorsed and urged by every business interest in the United States, provides:

First. Appointment of candidates, within reasonable age limits, to the lower grades of the service, after thorough examination. All candidates to be designated by the President for appointment subject to examination.

Second. Vacancies in the higher grades of the Consular Service to be filled by promotion from the lower grades on the basis of efficiency.

Third. Creation of an examination board with rules for examination of candidates.

Fourth. Complete Americanization of the service.

Fifth. Appointment of consuls and consuls general to grades instead of to places; designation of places to be made by the President.

Sixth. The Government to pay the actual expense of transferring a consul, his family, and effects when ordered to a new post.

Seventh. Grading the secretaries of the Diplomatic Service, with fair compensation, appointment and promotion to be under examination rules and records for efficiency similar to those provided for the Consular Service.

Eighth. As between candidates of equal merit, proportional representation of all the States and Territories in the Consular Service; political affiliations of candidates not to be considered.

Near the close of the third and final session of the Sixty-first Congress Representative Lowden, of Illinois, introduced a short-form bill which provides for the classification and compensation of secretaryships in the Diplomatic Service, with provisions for examination, appointment, and promotion, covering the Consular Service also. The bill requires the Secretary of State to publish, for the information of the President, a list of candidates who have passed a creditable examination; but there the matter might rest, as the bill, if enacted, would impose no obligation whatever upon the President

nor upon the Senate to appoint or promote from the published list. The bill provides for an examination board, but does not provide for an examination rating scale nor for an age limit to determine eligibility, and age largely determines the measure of fitness and length of efficient service. No provision is made for the complete Americanization of the Consular Service nor for the appointment of consuls and consuls general to grades instead of to places nor for the transfer of a consular official, his family, and effects from post to post at the expense of the Government, all of which are included in the Nelson-Foss bill.

So far as placing the Consular Service on a permanent merit and business basis through the inevitable changes of party administration, the Lowden bill, if enacted, would be "more honored in the breach than the observance."

Notwithstanding the Senate Committee on Foreign Relations has pronounced the merit provisions of the Cullom-Sterling bill, now incorporated in the Nelson-Foss bill, unconstitutional under that section of the Constitution which provides that "The President shall nominate, and, by and with the advice and consent of the Senate, shall appoint consuls," it is not believed that the Nelson-Foss bill would interfere with the constitutional right of the President to nominate and appoint, nor with the right of the Senate to advise and consent, as the merit system as incorporated in the Nelson-Foss bill simply regulates the exercise of the constitutional power and protects the President and the Senate against the appointment of incompetent men to the foreign service, by providing that only those candidates who have been designated by the President for appointment, subject to examination, and have passed with credit before an examining board, shall be eligible for appointment to the lower grades of the foreign service.

The only objection to a consular law which would obligate the President and the Senate (as would the Nelson-Foss bill) being a question of constitutionality, the crux of the situation is simply a matter of interpretation of the spirit and purpose of the Constitution. In this connection, as showing certain broad views of the limits of the Constitution, by eminent authorities, the following quotations are submitted:

President Taft, at Augusta, Ga., just before his inauguration, said: "That Constitution, simple, clear, and comprehensive, has in the past been capable of so fair construction as to meet in a marvelous way the developments and emergencies of our country, which could not have been anticipated by those who framed it, in any detail at all, and I am certain that the same Constitution will meet the emergencies which may come in the future."

Again at New York: "When we examine that wonderful instrument we find that the men who made it, made it short, comprehensive, and simple, that it might be open for us to carry out what the future had in its womb—problems of which they could see only the hazy outlines."

Those patriots in homespun, the authors of the Constitution, with their simple needs, planning for the future of a mighty Nation then in embryo, saw but the distant headlands of the future. They could hardly "look into the seeds of time and say which grain would grow and which would not." They wrought as best they knew, leaving posterity to supplement by enactment such details to the general plan as conditions might, from time to time, demand, without, however, violating any of the provisions of that remarkable document.

Another eminent authority was Mr. Justice Story, of the United States Supreme Court, who referred to the general character of the Constitution as follows:

"The Constitution unavoidably deals in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult, if not an impracticable, task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary might in the end prove the overthrow of the system itself. Hence, its powers are expressed in general terms, leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interests should require."

In an argument for the enactment of a Lodge bill, before the Committee on Foreign Affairs of the House of Representatives, January 25, 1900, the late John W. Ela, then the general counsel of the National Business League of America, referred to the constitutionality of the merit system as follows:

"The question of the constitutionality of a law which requires the appointments of consuls to be only made from persons who have passed an examination—in view of

the fact that the Constitution puts the appointment of consuls into the hands of the President, with the approval of the Senate—has, I know, been raised at various times.

"Upon the examination of this question we believe that even if a bill should be so framed it would not be held unconstitutional. The question has not been raised in the Supreme Court of the United States, but there are decisions of State supreme courts that requirements of the same character in civil-service laws which direct that the appointment shall be made of one out of three applicants, found to be fit by examination, do not take the power of appointment away from the appointing officer, but are merely regulations for ascertaining qualifications, and are constitutional.

"The same principle seems to have been acted upon by Congress in its legislation on consular matters, for in 1855, and later, it has prescribed where consuls shall be sent, and their rank and salaries."

While it is true that in the cases before the State supreme courts, above referred to, the offices were created by legislative enactment, not by constitutional provision, yet the constitutionality of the merit principle of examination, appointment, and promotion, as involving all branches of the public service, Federal, State, and municipal, is clearly indicated and emphasized in the course of an opinion delivered by the late Mr. Justice Peckham (then justice of the Supreme Court of the State of New York; later Associate Justice of the United States Supreme Court) in the case of *Rogers v. Common Council of Buffalo*, supra, as follows:

"Looking at it as a matter of common sense, we are quite sure that the framers of our organic law never intended to oppose a constitutional barrier to the right of the people, through their legislature, to enact laws which should have for their sole object the possession of fit and proper qualifications for the performance of the duties of a public office on the part of him who desired to be appointed to such office.

"So long as the means adopted to accomplish such end are appropriate therefor, they must be within the legislative power. The idea can not be entertained for one moment that any intelligent people would have consented to so bind themselves with constitutional restrictions on the power of their own representatives as to prevent the adoption of any means by which to secure, if possible, honest and intelligent service in public office."

As the appointing power for the Consular Service is vested equally in the President and the Senate, and the President designates for appointment, subject to examination, upon recommendations of the Senators, there seems to be no valid reason why the Chief Executive and the legislative branch of the Government should not agree upon the enactment of a consular measure making permanently operative the merit principles of the Executive orders as provided by the Nelson-Foss bill. Any consular law optional with the President and the Senate to obey or disregard would prove to be absolutely worthless so far as permanence is concerned.

[The Chicago Tribune, February 29, 1912.]

MAKING OUR CONSULS EXPERTS.

All over the world to-day the peoples of the earth are engaged in a war. There is no shock of armies in this war. Yet no struggle of armies and navies was ever more a test of a nation's vigor or more decisive of its powers of progress.

This silent warfare is the struggle for foreign trade. In this the Briton is matched against the German, the American against the Briton, the German against the American, and all against one another.

In that war our outposts are our consulates.

Shall we fill them with experts or with amateurs? Shall we put men of training on the firing line, or shall we let politicians pay their political debts at the Nation's expense by filling these important places on a basis of politics rather than efficiency?

The business interests, the interests of every class, have only one answer to that. But the politicians have always had another. Slowly the people are winning. But meanwhile America is at war and can not wait.

In Congress to-day is a bill, introduced by Senator Nelson in the upper House, by Representative Foss in the lower. It provides that the whole Consular Service shall be placed upon the merit system, that men shall enter the service only upon examination and shall be given the higher grades only by promotion upon examination from the lower.

In other words, the Consular Service is to be a profession for experts and no longer political spoils.

That is, if the Nelson-Foss bill passes.

And it will pass unless Congress is more intent on the advantage of politicians than the needs of American foreign commerce.

[The Record-Herald, Thursday, March 7, 1912.]

THE NELSON-FOSS CONSULAR BILL.

A hearing is shortly to be held on the bill for the reorganization and elevation of the Consular and Diplomatic Service, which Senator Nelson is fathering in the upper and Congressman Foss in the popular branch of Congress.

The business interests of the country, as well as the friends of merit service, should see to it that this bill is vigorously championed at the hearing by representative influential men. It is an excellent measure. It is "radical" from the spoilsman's point of view; but in getting rid of the wasteful and stupid spoils system we can not be too radical. We can not go too far in the direction of merit, efficiency, and reason.

The bill in question puts the whole Consular and Diplomatic Service under the merit plan. It provides for appointment by examinations covering the proper subjects and for promotion for ability and fitness alone. In view of President Taft's advanced stand as regards the entire civil service, this bill is the right measure offered at the right time.

There are those who doubt its constitutionality. We advise them to leave that question to the Supreme Court. Congress should not worry unduly about the "prerogatives" of the Executive; it should not be more royal than the king. The bill should be favorably reported and passed on grounds of policy and principle. Let the country have a Consular and Diplomatic Service in every way worthy of it and equal to the duties and responsibilities which fall on the service in our strenuous and eventful time.

[The Daily News, Tuesday, March 12, 1912.]

TO IMPROVE THE CONSULAR SERVICE.

On March 20 the Committee on Foreign Affairs of the National House of Representatives is to give a hearing upon pending measures designed to bring about the improvement of the Consular Service of the United States. There are two bills under consideration. One, the Nelson-Foss bill, offered in the Senate by Senator Nelson, of Minnesota, and in the House by Representative Foss, of Chicago, is backed by the National Business League of America. The other is fathered by Representative Sulzer, of New York, who holds the position of chairman of the Foreign Affairs Committee by appointment of Speaker Clark.

The Nelson-Foss bill is one that ought to receive the approval of Congress. It is a measure designed to bring about real improvement. Its aim is to classify the Consular Service and to provide for appointments by the President to grades rather than to places. Under the Constitution the appointments must be made by the President, with the consent of the Senate. The Nelson-Foss bill aims to give the maximum application of the merit idea consistent with compliance with the Constitution. Provision is made for an examining board to conduct examinations for applicants for consular positions. The President will then be expected to make appointments to grades from those who have been certified as qualified by the examining board. Provision is also made for advancement in the service according to demonstrated fitness. Political affiliations of the aspirants are not to be considered, but recognition is given the idea of proportional representation of the different States in the Consular Service.

The Nelson-Foss bill looks to the complete Americanization of the Consular Service by providing that vacancies shall be filled in the manner outlined and putting an end to the practice of designating foreigners to act as consuls. Salaries are graded and provision is made for the traveling expenses of the consul and his family when he is transferred from one post to another.

The Sulzer bill is a politician's milk-and-water measure. It is merely permissive in its nature and is not well calculated to meet the needs of the situation.

DECEMBER 28, 1911.

THE HON. WILLIAM SULZER,
*Chairman Committee on Foreign Affairs,
House of Representatives.*

MY DEAR MR. SULZER: I wish to thank you for your letter of the 16th instant, referring to me the bill introduced by Mr. Foss, entitled "A bill for the permanent improvement of the Diplomatic and Consular Services" (H. R. 15925).

The department is greatly interested in the enactment of some measure which shall give permanency to the existing application of the merit system to both branches

of the foreign service, and I should be very glad to confer with you whenever you find it convenient to call at the department upon the subject of the bill introduced by Mr. Foss. Upon careful examination, the bill appears to me to contain a number of provisions which, if enacted into law, would defeat rather than aid the effort of the department to bring about that high standard of efficiency in the foreign service which Mr. Foss evidently has in mind. For example, the first section is defective in that it requires the Senate to advise and consent to the rules to be prescribed by the President. This is of doubtful constitutionality and, besides, would make proper administration of the foreign service impracticable. Section 3 undertakes to limit the board of examiners for the Consular Service to three members instead of four, as at present, and in doing so omits the two highest officers of the board, thus weakening instead of strengthening the membership of the board. Since it is upon the conscientiousness and good judgment of the board of examiners that the successful administration of any law that may be enacted will depend in large measure, the examining board should under no circumstances be made weaker.

The most important part of the examination is the oral test, and this appears to have been lost sight of in framing section 4 of the bill.

Another defect in the bill is the provision in section 6, which requires all promotions to be approved by the examining board, which provision is not only of doubtful constitutionality, but is based upon an erroneous principle.

It seems to me that if that part of the bill beginning with section 10 were made applicable to the Consular as well as to the Diplomatic Service, it would meet practically all present requirements and the first nine sections of the bill could advantageously be omitted.

I shall be happy to go over the measure in more detail when you find it convenient to visit the department. The enactment into law of the essential principles of the existing regulations in regard to appointment and promotions in the foreign service seems to me a matter of the greatest importance to our commerce and to the protection of the interests of our people abroad, and it would be very gratifying indeed if some progress in that direction could be made during the present session of Congress.

I am, my dear Mr. Sulzer, very faithfully, yours,

P. KNOX.

THE NATIONAL BUSINESS LEAGUE OF AMERICA,
Chicago, March 13, 1912.

HON. HUNTINGTON WILSON,
Acting Secretary of State, Washington, D. C.

SIR: I have received your letter of the 11th instant advocating enactment of the Sulzer consular bill and have given it careful consideration.

I refer you to that portion of your letter which reads as follows: "The department hopes that the measure will commend itself and receive your earnest support."

Replying, I will say that the Sulzer bill does not commend itself to this league nor will it receive the earnest support of the league; on the contrary, it will receive its cordial protest. It is best characterized in an article in the Chicago Daily News under date of the 12th instant, as follows: "The Sulzer bill is a political milk and water measure; it is merely permissive in its nature and is not calculated to meet the needs of the situation."

Permit me, sir, to call your attention to the fact that at the time the Lowden bill was introduced there had been introduced in the Congress the Cullom-Sterling bill, drafted by the National Business League of America, which was practically identical with the Nelson-Foss bill, now introduced in the Congress, the principles of which have repeatedly been indorsed by every business interest in the country. The State Department, for reasons best known to itself, championed the Lowden bill, although the department must, at the time, have known that it was not the kind of a consular bill which was (and is) demanded by the country nor in line with the Lodge bill, No. 1345 (practically identical with the merit provisions of the Nelson-Foss bill), advocated by Elihu Root, when Secretary of State in 1905 and 1906.

I find the Sulzer bill to be an exact copy of the Lowden bill, with the exception of the section, copied from the Nelson-Foss bill, which provides for the appointment to grades instead of to places. The Sulzer bill allows the President and the Senate to appoint anybody to the foreign service. Under such a statute a man 90 years of age, the political derelict, the man with a literary turn, and the invalid in search of health, could be injected into the American foreign service, and John L. Sullivan might be sent as consul general to Cape Town and Jack Johnson as consul to Dublin. The Sulzer bill would leave the President, as you have stated in a public address, free to make appointments, but to make them under the moral pressure of having before him all

the data of efficiency records. You might as well attempt to check the current of Niagara with moral pressure.

So far as the merit provisions are concerned, the observation of the league is that its consular reform efforts have been made a football of, not only by Congress, but at times by the State Department, and frankly, the National Business League of America has become very tired of the tactics which have obtained in connection with its efforts to place our consular service on a merit and business basis.

When you dictated your letter to me of the 11th instant you must have known of the Nelson-Foss bill. Why, then, under such circumstances, do you call our attention especially to the Sulzer bill without any allusion whatever to the Nelson-Foss bill?

In my opinion your plea for the enactment of a consular bill which has all the earmarks of a political sop is a direct blow to American foreign commerce and to the international prestige of the Nation.

Yours, respectfully,

GEORGE W. SWELDON,
President.

MARCH 18, 1912.

MY DEAR SIR: It is with great disappointment that I perceive, from your letter of March 13, that the department has not thus far succeeded in putting before you sufficiently clear and full information to bring your views as to the best present means of advancing the cause of foreign-service improvement into entire harmony with those of the administration, which is firmly persuaded that the passage of the Sulzer bill is, under all the circumstances, most earnestly to be desired.

Since the aims of the department and those of the National Business League are undoubtedly the same, to wit, the permanent establishment of the merit system and the perpetuation of a professionally trained foreign service, and since it would be absurd to question the sincerity of this common aim, it becomes evident that such differences of opinion as still exist are differences entirely as to the best means of accomplishing the common aim. Granting this, I could not do the National Business League of America the injustice of supposing that organization to be otherwise than open minded, without prejudice, and prepared impartially and in a friendly spirit to examine the question presented, namely, whether or not all friends of foreign-service improvement should support the Sulzer bill. It is upon this theory that I give myself the pleasure of responding to your communication of the 13th instant.

Before proceeding further, I may be permitted to express the chagrin which I feel if you have been permitted to suppose that the Cullom-Sterling bill, the Nelson-Foss bill, and the Lodge bill have been abandoned by the department for any but considerations so weighty that they must appeal at once to all practical men. Each of these measures has been studied and considered again and again, and has, in turn, been abandoned only through the conviction of those responsible for the administration of the foreign service, who, after all, must be admitted to be in position to judge of such matters, that there was no hope of progress along the proposed lines.

I sincerely hope also that your present impression of the situation which would result if the Sulzer bill became a law does not faithfully reflect your impression of the foreign service as it exists to-day; for it would be discouraging to suppose, on the part of a friend of the foreign service, such an implied nonrecognition of the absolute fact that during the present administration the whole Consular Service and the Diplomatic Service up to the grades of minister and ambassador have been conducted absolutely upon the merit system and with resultant improvements generally recognized and applauded throughout the country. This fact is in point for the reason that the gist of the Sulzer bill is simply to give the force of the mandate of law to a system which has been thoroughly tried and has been found thoroughly satisfactory, but which rests to-day only upon the Executive orders of June, 1906, and November, 1909.

Reliance upon information which it was sought to convey to you by personal explanations to Mr. Burnham, the secretary of the league, must excuse any failure on the part of the department to give to an organization, which it has always regarded as an ally in the cause of foreign service reform, information sufficiently full to preclude the possibility of the present misapprehension.

That the present divergence of opinion must be due to misapprehension is a not unnatural inference from the fact that the department is receiving from all parts of the country expressions of cordial approval of the Sulzer bill, while the National Business League is thus far the only organization, so far as known to the department, which takes a different attitude.

All hope of the passage of a bill like the Cullom-Sterling or the Nelson-Foss bill vanishes before the plain fact that the overwhelming weight of opinion holds it unconstitutional to bind, in so many words, the appointive power, which, in the case of ambassadors, other public ministers, and consuls, is placed by the Constitution with

the President and the Senate. This is the rock upon which all previous attempts at legislation have been wrecked. Frankly accepting this fact, the department embraced the principle of the Lowden bill, which principle is the kernel of the Sulzer bill, namely, to make by law mandatory the impartial examinations and efficiency records and the presentation to the President of data showing who ought to be appointed and who ought to be promoted on a strictly merit basis and stopping there, depending upon the force of this moral mandate, backed by the great body of public opinion made effective through organizations like your own, to deter any President from a return to the "spoils system." Is it not better to accept the good that can be achieved rather than to reject it and continue to strive for what is certainly at present impossible; what may conceivably always be impossible; and what probably will be unnecessary if the Sulzer bill become a law?

The question just touched upon is the crux of the matter. As to the other provisions of the Sulzer bill, I can only say that those officials who have for many years had the actual direction of the foreign-service, who, I am sure, are the most enthusiastic and constant advocates of foreign-service reform, whose business in life this is, and who should therefore be given the credit for knowing what they are talking about, are absolutely convinced that those other provisions—that is, regarding examinations, efficiency records, etc.—are on the whole decidedly better for the service than the similar provisions of other bills.

My great desire to do anything in my power to demolish what I believe to be conclusions based upon misapprehension makes me regret the necessity of seeking through correspondence, rather than personal discussion, a frank exchange of views on this most important subject. Indeed, if I have not yet succeeded in convincing you I should be most happy to discuss the matter here with a fully authorized representative of the National Business League, or even to endeavor, if you desire it, to have a representative of the department meet your committee in Chicago for the purpose of frank discussion of the aim which the department has so intensely at heart.

You may be interested to know that Senator Cullom as well as Senator Root, to each of whom you allude in reference to a previous foreign-service bill, are agreed as to the constitutional difficulty of the old type of bill and all believe that the Sulzer bill is substantially a bill which should receive the hearty support of all friends of an efficient foreign service based upon the merit system.

I am, my dear sir, yours, very faithfully,

HUNTINGTON WILSON.

GEORGE W. SHELDON, Esq.,

President National Business League of America, Chicago, Ill.

THE NATIONAL BUSINESS LEAGUE OF AMERICA,
Chicago, March 15, 1912.

THE PRESIDENT,
The White House, Washington.

DEAR MR. PRESIDENT: Concurrently I mail you a copy of the complete proceedings of the National Business Congress recently held in Chicago under the auspices of this league, and in this connection particularly call your attention to the paper on the "Consular situation" (p. 256) and the copy of the Nelson-Foss consular bill which follows. This bill, so far as years of experience has determined, embodies all the provisions necessary to place the American foreign service on a permanent merit and business basis. The principles of the measure have been indorsed, time and again, by the entire business interests of the United States, and many hearings on consular bills have, within the last 14 years, been conducted by the Committee on Foreign Relations and the Committee on Foreign Affairs at Washington, so that there remains not the slightest doubt as to that which the business interests of this country need and demand to place the foreign service upon a permanent basis of efficiency; yet we find that Representative Sulzer of New York has interposed a short-form bill, alleged to be adequate to insure a permanently efficient service.

This league takes issue with Mr. Sulzer and with other supporters of his measure as to the permanent value claimed for it. As the bill imposes no legal obligation on the part of the Chief Executive nor upon the Senate—the only appointing powers under the Constitution—the league regards it as simply a weak attempt to perpetuate political patronage through the pressure of the vicious spoils system inevitable to changing party administrations unless prevented by an adequate consular law.

From your well-known conviction as to the merit system and your broad views of the Constitution of the United States, it does not seem to the officials and to the members of this league that you would countenance so useless a proposition as the Sulzer bill.

Many Members of the Congress are already pledged to vote for the Nelson-Foss bill, and the league is demanding that it be reported favorably, instead of being smothered in committee, so that the Congress may at least have the opportunity of voicing an opinion. One thing is certain: If an inadequate bill be reported, a nation-wide campaign for its defeat, directly in the political field, will follow.

Yours, very truly,

GEO. W. SHELDON, *President.*

DEPARTMENT OF STATE,
Washington, March 22, 1912.

GEORGE W. SHELDON, Esq.,

President the National Business League of America, Chicago, Ill.

SIR: I beg to acknowledge the receipt, by reference from the White House, of the letter of March 15, which you addressed to the President on the subject of foreign-service reform and the relative merits and chances of enactment of the different bills designed to further the desired reforms. In reply I permit myself to refer to the letter which I addressed to you on the 18th instant and I permit myself also to quote, as showing the President's attitude upon the subject, the following passages from the annual messages of 1910 and 1911:

"I also strongly commend to the favorable action of the Congress the enactment of a law applying to the Diplomatic and Consular Service the principles embodied in section 1753 of the Revised Statutes of the United States, in the civil-service act of January 16, 1883, and the Executive orders of June 27, 1906, and of November 26, 1909. The excellent results which have attended the partial application of civil-service principles to the Diplomatic and Consular Services are an earnest of the benefit to be wrought by a wider and more permanent extension of those principles to both branches of the foreign service. The marked improvement in the Consular Service during the four years since the principles of the civil-service act were applied to that service in a limited way and the good results already noticeable from a similar application of civil-service principles to the Diplomatic Service a year ago convince me that the enactment into law of the general principles of the existing executive regulations could not fail to effect further improvement of both branches of the foreign service, offering as it would by its assurance of permanency of tenure and promotion on merit an inducement for the entry of capable young men into the service and an incentive to those already in to put forth their best efforts to attain and maintain that degree of efficiency which the interests of our international relations and commerce demand."

"The entire foreign-service organization is being improved and developed with especial regard to the requirements of the commercial interests of the country. The rapid growth of our foreign trade makes it of the utmost importance that governmental agencies through which that trade is to be aided and protected should possess a high degree of efficiency. Not only should the foreign representatives be maintained upon a generous scale in so far as salaries and establishments are concerned, but the selection and advancement of officers should be definitely and permanently regulated by law so that the service shall not fail to attract men of high character and ability. The experience of the past few years with a partial application of civil-service rules to the Diplomatic and Consular Service leaves no doubt in my mind of the wisdom of a wider and more permanent extension of those principles to both branches of the foreign service. The men selected for appointment by means of the existing executive regulations have been of a far higher average of intelligence and ability than the men appointed before the regulations were promulgated. Moreover, the feeling that under the existing rules there is reasonable hope for permanence of tenure during good behavior and for promotion for meritorious service has served to bring about a zealous activity in the interests of the country, which never before existed or could exist. It is my earnest conviction that the enactment into law of the general principles of the existing regulations can not fail to effect further improvement in both branches of the foreign service by providing greater inducement for young men of character and ability to seek a career abroad in the service of the Government and an incentive to those already in the service to put forth greater efforts to attain the high standards which the successful conduct of our international relations and commerce required."

"I therefore again commend to the favorable action of the Congress the enactment of a law applying to the Diplomatic and Consular Service the principles embodied in section 1753 of the Revised Statutes of the United States in the civil-service act of January 16, 1883, and the Executive orders of June 27, 1906, and of November 26, 1909. In its consideration of this important subject I desire to recall to the attention of the Congress the very favorable report made on the Lowden bill for the improvement of the foreign service by the Foreign Affairs Committee of the House of Representatives. Available statistics show the strictness with which the merit system has been applied

to the foreign service during recent years and the absolute nonpartisan selection of consuls and diplomatic-service secretaries who indeed far from being selected with any view to political consideration have actually been chosen to a disproportionate extent from States which would have been unrepresented in the foreign service under the system which it is to be hoped is now permanently obsolete. Some legislation for the perpetuation of the present system of examinations and promotions upon merit and efficiency would be of greatest value to our commercial and international interests."

Since the Lowden bill, to which the President refers, embodies precisely the same principle as the Sulzer bill, I think that the foregoing quotations, taken in connection with my previous letter, will give to the National Business League of America a clear idea of the well-considered opinion of the administration as to what is now the most feasible step by which to make permanent the progress already made and to further the work of perfecting a foreign service to be permanently conducted, as it has been for the last three years, upon a basis of strict merit and efficiency.

I have the honor to be, sir, your obedient servant,

Acting Secretary of State.

NEW YORK, March 25, 1912.

THE HON. WILLIAM SULZER,
Chairman of Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: In my inability to appear at the hearings before your committee concerning the passage of H. R. 20044, I beg to put in writing my carefully considered convictions favoring the bill.

It is hardly necessary to say that, as a life-long civil service reformer, I deeply regret that the Diplomatic and Consular Service can not be put wholly within the merit system, with its strictly competitive examinations open to all applicants. That only designated persons can enter the diplomatic and consular examinations, and that in the appointment of the successful entrants there can be no automatic preference according to standing in the eligible lists, is a serious misfortune. The ideal will not be reached, nor nearly approached, until President Taft's recommended extension of the merit system has been accepted, freeing, with the due exceptions, all the higher positions in the public service from both presidential and senatorial approval. Then, for the first time, will the public service truly offer a "career." I am well aware of the adverse constitutional requirement.

Yet, even as the constitutional requirement now stands, there are possible ameliorations of very great practical importance, and to secure such ameliorations is the splendid object of your admirably drawn bill. A provision for appointment to grades instead of to specified posts, and for promotions according to efficiency, is at the very basis of all reform in our foreign service. The requiring of efficiency records, and the stating of the considerations to be regarded by the examining boards, are excellent. The statutory designation of the personnel and duties of boards, and of the minimum frequency of their examinations, is admirable. The application of such a system to the Diplomatic Service is amply warranted by the results already secured in the Consular Service.

In short, your bill by its proposed adoption of principles and procedures not only advances greatly upon the present situation, but it also gives an added degree of permanence to all the existing good methods which have happily arisen by common consent and have been embodied in well-vindicated practice. Congressional enactment secures a stability far greater than can be secured by "Executive order."

It is for these and similar reasons that, through you, I earnestly appeal to the representatives of the people to pass the pending bill for the improvement of the public service.

With high regards, yours, truly,

LEANDER T. CHAMBERLAIN.

NEW YORK PRODUCE EXCHANGE,
New York, March 8, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: Herewith I beg to hand you a copy of resolutions adopted by the board of managers of the New York Produce Exchange urging prompt and favorable action on House bill No. 20044, introduced by you, relating to improvements of the foreign service.

Yours, very truly,

L. B. HOWE, Secretary.

RESOLUTIONS ADOPTED AT A MEETING OF THE BOARD OF MANAGERS OF THE NEW YORK PRODUCE EXCHANGE HELD MARCH 7, 1912.

Whereas the members of the New York Produce Exchange, being largely interested in export trade, are vitally concerned in the efficiency of the foreign Diplomatic and Consular Service maintained by the United States: Be it

Resolved, That the board of managers of the New York Produce Exchange hereby indorses House bill No. 20044 introduced by the Hon. William Sulzer providing for various improvements of the foreign service, and strongly urge prompt and favorable action on this bill, believing that its provisions will materially and permanently increase the value of this service.

Resolved, That copies of this preamble and resolution be forwarded to the chairman of the Committee on Foreign Affairs, House of Representatives, to the chairman of the Committee on Foreign Affairs of the United States Senate, and to the Secretary of State.

INDIANAPOLIS, *February 28, 1912.*

HON. WILLIAM SULZER,
*Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.*

GENTLEMEN: The subject of the "Improvement of consular service" has received the serious attention of persons interested for a good while and H. R. 20044 contains provisions which undoubtedly will work for the good of the service and I earnestly hope that the bill may become a law.

Very respectfully, yours,

H. J. MILLIGAN.

CAMBRIDGE, MASS., *February 27, 1912.*

HON. WILLIAM SULZER,
*Chairman the Committee on Foreign Affairs,
House of Representatives, Washington, D. C.*

GENTLEMEN: May I urge the speedy report and passage of H. R. No. 20044, for the improvement of the foreign service?

While I do not believe this bill is the ultimate good that can be obtained in that direction, I presume it goes as far as it is possible to go at the present time in the application of the merit system to the Consular and Diplomatic Service, considering the constitutional power invested in the Senate to confirm such appointments and the unwillingness of the Senate to give up this privilege.

Believe me, yours, truly,

R. H. DANA.

NEW YORK, *March 5, 1912.*

HON. WILLIAM SULZER,
*Chairman the Committee on Foreign Affairs,
House of Representatives, Washington, D. C.*

DEAR SIRS: I respectfully beg to urge upon you the report and passage of House bill No. 20044, for the improvement of the foreign service. I am very much interested in the enactment of a law of this character, and it will, in my judgment, do much to improve the administration of the Diplomatic and Consular Service of the United States. The Executive orders of June 27, 1906, and November 26, 1909, which required that new appointments to positions in the Consular and Diplomatic Services should be made from persons whose qualifications had been tested by noncompetitive examination, have unquestionably had an effect in improving the caliber of the men appointed to these positions and the quality of the service rendered by them. The bill in question is a substantial enactment of the law of these Executive orders, and will tend to give stability to the system already inaugurated by the orders themselves. The only objections which can be urged to the passage of the bill are, so far as I know, those which are based upon a continuance of the unsatisfactory method existing before the issuance of the Executive orders in question, and which made the offices specified the spoils of party politics. It is impossible to expect a good result from such a system or from any system which does not take into account apart from politics the character of the men to be appointed and the security of their tenure.

Yours, very respectfully,

NELSON S. SPENCER.

NEW YORK, February 27, 1912.

COMMITTEE ON FOREIGN AFFAIRS,
House of Representatives, Washington, D. C.

GENTLEMEN: I have had an opportunity to examine the House bill 20044 of this session introduced by Mr. Sulzer, bearing date February 13, 1912, which in my judgment will, if it becomes law, very greatly improve the administration of the Diplomatic and Consular Service of the United States.

The subject is one which has had my attention for many years, and it has happened too frequently in the past that the offices mentioned in this bill have been filed not in the interest of the people of the United States by persons competent to discharge the duties of these offices, but for personal or political reasons, regardless of the interest of the United States, by the appointment of persons who were wholly unfit to discharge the important duties of these offices.

The method proposed by this bill is in my opinion one which embodies the very essence of democracy, affording the same opportunity to every citizen ambitious to serve his country. It goes without saying that while accomplishing this purpose of a democratic government, it also secures for the Government itself those things which are essential to the conduct of any private business, namely, competency and efficiency of its employees.

Very respectfully,

HENRY W. HARDON.

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, February 16, 1912.

HON. WILLIAM SULZER,
Chairman of the Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: Your favor of the 14th instant inclosing a copy of the bill which you have introduced at the request of the State Department, came to hand yesterday. I find upon comparison that your bill corresponds with the Lowden bill of a year ago, except that a first and last section have been added. Of course, these two paragraphs meet with our entire approval, and your bill would therefore come under the resolution of the council recommending the passage of the Lowden bill, of which I sent you a copy the other day.

I sent a copy of your letter to the chairman of our special committee on reform in the Consular and Diplomatic Services, but have not as yet received the 50 copies of your bill referred to in your letter. I hope they have not miscarried, for I wish to distribute these copies.

Very truly, yours,

ELLIOT H. GOODWIN,
Secretary.

EXTRACTS FROM THE MINUTES OF A QUARTERLY MEETING OF THE PHILADELPHIA
BOARD OF TRADE, HELD MARCH 18, 1912.

Whereas the Diplomatic and Consular Services of the great nations are factors of the first importance in the struggle for commercial supremacy; and

Whereas the President of the United States, by Executive orders under date of June 27, 1906, and November 26, 1909, applied civil-service principles to the Diplomatic and Consular Service; and

Whereas it is recognized that the application of these principles has been conducive to great improvement in the services; and

Whereas Hon. William Sulzer, chairman of the Committee on Foreign Affairs, has introduced a bill giving legislative sanction to the existing Executive regulations governing appointments and promotions in the Diplomatic and Consular Service:

Therefore

Resolved, That the Philadelphia Board of Trade earnestly petitions Congress to enact as law House bill No. 20044, being "A bill for the improvement of the foreign service."

True copy.

[SEAL.]

EDWARD R. WOOD,
First Vice President Philadelphia Board of Trade.
W. R. TUCKER, Secretary.

Attest:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, March 13, 1912.

At the monthly meeting of the New York Board of Trade and Transportation held this day, Lindsay Russell, Esq., chairman of the committee on foreign and insular trade, reported favorably the following preamble and resolution, and it was unanimously adopted:

Whereas a bill has been introduced by Congressman Sulzer, chairman of the Committee on Foreign Affairs of the House of Representatives, H. R. No. 20044, entitled "A bill for the Improvement of the Foreign Service," and this bill, if enacted, would give the additional force of a statute to the Executive order of President Roosevelt, dated June 27, 1906, relating to the Consular Service, and would give like additional force to the Executive order of President Taft, dated November 26, 1909, relating to the Diplomatic Service, and the said Sulzer bill is approved by the Department of State; and

Whereas the said bill, if enacted, would provide the President of the United States a list of those who, by reason of efficient service, have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the foreign service; would create a board of examiners for the Diplomatic Service and one for the Consular Service; would grade the secretaryships of the Diplomatic Service substantially as the Consular Service is now graded; would provide for appointments to grades instead of to places in the Consular Service and of secretary in the Diplomatic Service; and would prescribe the scope and method of the examinations for these services: Therefore

Resolved, That the New York Board of Trade and Transportation most heartily approves the purposes of H. R. bill No. 20044, introduced by Mr. Sulzer, "For the improvement of the foreign service," and respectfully petitions the Senate and House of Representatives to pass the said bill.

A true copy.

Attest:
[SEAL.]

WILLIAM H. GIBSON,
Vice President and Acting President.

FRANK S. GARDNER,
Secretary.

IMPROVEMENT OF THE FOREIGN SERVICE.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
March 27, 1912, 10.30 a. m.

The committee this day met, Hon. William Sulzer (chairman) presiding.

The CHAIRMAN. The committee will hear Hon. Huntington Wilson, Acting Secretary of State, on H. R. 20044, entitled "A bill for the improvement of the foreign service."

Mr. WILSON. Mr. Chairman, do you wish me to speak in a general way as to the bill?

The CHAIRMAN. Speak to the committee in your own way.

Mr. WILSON. Thank you. Mr. Chairman and gentlemen, I am very happy that this bill, introduced by Mr. Sulzer, is receiving the serious consideration of this committee, because it is certainly about time that such a bill should become a law if the United States is to hold its place among the foreign powers, through the service that is going to be so necessary to that end, more and more, every year, in the field of foreign commerce. Of course, the pressure for such a bill has come from the business organizations and interests of the whole country for years, and I have no doubt it is the fact that New York is our greatest port for foreign commerce that makes it happen that a Representative from New York has taken advanced ground to bring about a recognition by legislation of the fact that you can't carry on the business of promoting foreign commerce with an amateur, catch-as-catch-can foreign service any more than we should think of running our Navy or our fire department with people appointed without regard to their qualifications.

The greatest merit of this bill, in my judgment, is the fact that it embodies something which removes the constitutional difficulty that has wrecked all of these bills which have been put forward for so many years, at the behest of the commercial interests and manufacturing interests. We frankly recognize that the Constitution put the appointing power in the case of ambassadors and other public ministers and consuls—and custom includes in the same category secretaries of embassy and legation—in the hands of the President, subject to confirmation by the Senate. This bill does not attempt to raise the very difficult constitutional question or difficulty by trying absolutely to tie the hands of the constitutional appointing power. It relies on the tremendous public opinion in this country of all the business interests, who know we must have a professional foreign service which I am sure is far beyond what most of us realize, and upon the fact that we are not likely to have any Presidents who

will wish to go back to an inefficient foreign service to handicap our country in that way.

Mr. SHARP. I would like to ask a general question: I would like to have you state, if you will, the main differences between the system now in vogue of selecting secretaries to embassies and consuls, etc., and the system provided for in this bill.

Mr. WILSON. Yes; I will go right to that now. The present foreign service has been run since November, 1909; the whole foreign service, consular and diplomatic, up to the grade of the highest secretaries, has been absolutely a merit and efficiency system without the slightest regard to any other consideration, political or otherwise. That is done under an Executive order dated June, 1906, following the law of a few days before, which Congress passed, classifying the consular service. The Executive order of 1906 applies the principles of the civil service to all consular grades, as to the board of examiners, the general scope of the examinations, and, in fact, the régime under which the Consular Service is to be run. The Executive order of President Taft of 1909 does the same thing with the Diplomatic Service up to the grade of secretary. So that in both services there is an examination covering American history and institutions, Latin American, Far Eastern, European history, the rudiments of economics, international law, maritime law, great emphasis being laid on commercial geography and commercial natural resources of the United States and of all the different sections; in fact, an examination requiring a good knowledge of the things really needed for efficiency in diplomacy or in the Consular Service. That counts 50 per cent. Then, there is an oral examination, by this same board of examiners, composed of civil-service commissioners and the proper officers of the department. They examine the candidates by number. Naturally there will occasionally be a man whom one man or another on the board may know, but never does every member of the board know all of the men who are taking the examination, or anything like it, and the great majority are all unknown to all of the examiners.

Mr. SHARP. Is the personnel of that board now similar to what this bill provides for?

Mr. WILSON. Exactly the same. The board of examiners examine these candidates by number, not knowing where they are from or who they are. The oral examinations consist of hypothetical questions of all kinds to determine what a man would do in a given case. The object is to try to determine his quickness of mind and his soundness of judgment, his tact, and his discretion, and all of those intangible qualities that we find count a good deal more for success in the foreign service—as they do in affairs generally—than book learning without the qualities I refer to.

Mr. SHARP. Meaning common-sense judgment?

Mr. WILSON. Yes, sir. That which they can not learn out of books; and that oral part of the examination, which is very exhaustively done, counts one-half. Each member of the board of examiners keeps a separate record. There are a great many qualities to determine. Each man is marked separately by each examiner, and then the board of examiners discuss each man separately, and they finally reach a unanimous judgment as to what they judge him to be in all of these respects, and then they mark him on his oral ex-

amination. Another thing that the oral examination covers is what is going on in the world, what an intelligent, wide-awake man who is interested in his own country particularly, and in the world generally, would know about things that are before the intelligent people of the world.

Mr. SHARP. Current topics?

Mr. WILSON. Yes; it covers that as well.

Mr. GARNER. You seek to substitute a law, then, by this bill to take the place of an Executive order; is that it?

Mr. WILSON. All that the bill introduced by Mr. Sulzer does is to perpetuate and give the mandate of law to the existing methods of examination, and also to the keeping of efficiency records, which is prescribed for the departmental officials as well in the Executive order of 1909, and to make it mandatory upon the Secretary of State to report to the President from time to time, after examinations, the names and records of those whom the examination shows to be fitted for appointment as secretary of embassy or legation, or to a consular post, or as a student interpreter, or as a consular assistant, and the names and records of those in the service whose efficiency records will show that they are in line for promotion.

Stopping there, the Sulzer bill relies upon the moral effect of the backing of the business interests of the whole country, who realize the importance of a trained foreign service, and upon the moral force of this mandate from Congress, to hold up the hands of any President against pressure and make it easier for him to continue to run the service on a strictly merit principle.

Mr. GOODWIN. Does this bill seek to become a counterpart to the system now in vogue in Germany, largely, and to a certain extent which is the custom of the British Government, to have representatives in different countries of the world report to their respective governments as to the commercial outlook for the sale of their wares, and merchandise, and where there is a certain demand for certain goods, and as to how those goods should be made, and how they should be boxed and shipped out, and all of that? You know we need something along that line largely because of the strong competition we have to meet. I notice the British think themselves behind even this country, which I do not think is the case with Germany, the latter country, of course, outstripping the world, it having its agents ramify into every nook and corner of the globe, in quest of trade, and all that.

Mr. COOPER. It seems to me that I read very recently that Germany was copying our consular reports, and that we were taking the initiative and leading in that in a general way.

Mr. WILSON. Yes; we are not getting much credit for it in all parts of the United States, and notably on this hill, but it is a fact that both in Great Britain and Germany, there has been considerable criticism of their foreign service, in comparison, flattering to our own.

Mr. COOPER. Isn't it true that our consular reports include trade conditions, and methods of manufacture, and trade opportunities, and contain suggestions also, as to the best possible methods of securing trade, and that our consular reports have met with commendation in Europe, of the publicists, and they are adopting those things over there. I read that not more than two weeks ago.

Mr. WILSON. A Sunday newspaper alleged that the German Emperor advised his own foreign service to emulate ours.

Mr. GOODWIN. There is a fine article in the English Quarterly Review of October last year. It is published in England.

Mr. BARTHOLOMT. I think our Consular Service is superior to that of Germany.

Mr. GOODWIN. I think that England sounds the alarm that the English Government must be up and doing, that the United States possibly has taken the lead along this line, but she doffs her hat to Germany because Germany is possibly outstripping the world along certain commercial lines, is very diligent in quest of trade, because she is rapidly monopolizing the trade of South America, and especially that of Brazil.

Mr. SHARP. You spoke a moment ago about the law of 1906 antedating a little while, a few days, the issue of this order by the Executive. In what form was that legislation carried out or passed? Was it in the form of a resolution or a law?

Mr. GARNER. Mr. Sharp, if you would attach section 3 to this bill you would have a classified diplomatic service as well as a consular service. It comes now 1, 2, 3, 4, 5, 6, 7, 8, 9, I believe. You have got the Consular Service in section 3, and all of this advisory business and all of that was not in the bill as it was when we undertook to pass it.

Mr. SHARP. Then, your opinion is, it seems to me, that this bill is to answer a very useful purpose, and is a very laudable measure; but your view, then, is that this bill really should have been passed as a supplement to what has gone before, in order to give full efficiency to it?

Mr. WILSON. I couldn't say with enough emphasis to express my feeling that this bill is the best that has ever been suggested; and if you gentlemen pass this bill, the United States will surely have the best foreign service in the world. I believe that, after studying it for 15 years.

Mr. GARNER. I am very happy to know that we have already got the best service in the world. From what Mr. Cooper asked you, it appears that England and Germany are our strongest competitors, and that they are now patterning after us; and, since we have got the best service in the world, is it advisable to disturb the present conditions?

Mr. SHARP. The Secretary means to preserve that.

Mr. GARNER. I call your attention now to the fact that what this bill authorizes to be done we are now doing.

Mr. CLINE. We are doing it now.

Mr. GARNER. It must be presumed, by the passage of this bill, that some future President would divert from the methods now pursued, in order to select the best consuls. Isn't it true? You will admit that it is purely advisory.

Mr. SHARP. I would like to have the author's view on that. He must have had some object in drafting it.

The CHAIRMAN. I desire to say that this bill of mine simply puts a law behind Executive orders. I like government by law better than government by Executive orders. I believe in this legislation, and, in so far as I can, I shall try to put a law behind the existing order of things and do by law what has been done for years without law.

Mr. GARNER. May I ask you a question?

The CHAIRMAN. Certainly.

Mr. GARNER. Is there any law in this country at the present time that will prevent the President of the United States from selecting the very best men possible for the Diplomatic and Consular Service?

The CHAIRMAN. No; and that is the main reason for my bill—to make, in so far as possible, the President select the most efficient men for our foreign service.

Mr. GARNER. Then you do not need a law to force your President to select the best men that he possibly can?

The CHAIRMAN. In reply to that I desire to say that if this bill were upon the statute books public opinion would be so strongly in favor of its enforcement that the President would not dare to violate it.

Mr. GARNER. Then you want the present law to force the President to do what he ought to in the first instance?

Mr. COOPER. Mr. Garner's supposition would apply to the existing civil-service law.

The CHAIRMAN. Exactly.

Mr. GARNER. No; it would not. No; I would have it passed if it applied the same as that law. In that case the Constitution doesn't give the President the power to make the appointments, but in this instance the Constitution gives him the power. You are attempting to pass a law, limiting the President's powers which the Constitution has given him.

Mr. COOPER. The President, under the Constitution, as I understand it, has the right to appoint postmasters.

Mr. GARNER. Of a certain class.

Mr. COOPER. Exactly; but it has the effect, specifically, that Congress shall express the public opinion to the extent of passing the law which will make the tenure of those officers depend upon good conduct and efficiency, rather than make them amount to so many opportunities for bribery and everything else. It brings it to the attention of the people, the discussions with reference to it, and it means that you vote for a principle. Now, then, that particular law, while it would not have any absolute binding effect, it would have the same moral effect that the primary law does to-day as to the nomination of United States Senators and the election of United States Senators. Candidates for United States Senator, in my State of Wisconsin and in half a dozen other States, are selected by a primary at which the people express their choice, and the laws providing for that have no legal effect whatever. Nevertheless it has a very persuasive moral influence over the legislature, and in very many of the States that have adopted such a law, in fact, in all of them, I believe that the members of the legislature are very willing to say, "Yes, we are servants of the people, and if there is a good way in which they can indicate their desires we will follow them, so far as selecting that candidate is concerned and voting for him is concerned." That case is analogous to this exactly. Here is the President. Most Members of Congress, and I am one of them, go up there to the department and bore them to death to get John Smith appointed to some consulate in China, and he is no more fit to be a consular officer than he is to be an archangel.

Mr. KENDALL. Remember these statements.

Mr. COOPER. Well, but it is the truth. The President—and, by the way, I wish you would read what Grant said, and what Garfield said, and what George C. Vest said, and what Pendleton says—Republicans and Democrats alike—as to the intolerable condition of the whole spoils system of politics applicable to the post-office service. It is exactly as applicable to this, except, of course, it is not as forceful an illustration, because there are fewer officers. But what business have I got to ask that John Smith shall go as secretary into some embassy or into any consular position. He may not have the qualifications, but there may be 500 men in my district who will write to me that they want him up there, simply because he has been influential in their community. I say the whole thing ought to be put in the civil service, and while we may not be able to make a law that will escape the constitutional provision, nevertheless we express the public sentiment and make it far easier for the President to say that Congress has indicated what the wish of the people is and that he is going to follow it out.

Mr. SHARP. Is this based upon the fact that a Democrat is going to be elected President next time?

Mr. COOPER. Not the slightest.

Mr. BARTHOLDT. I am very interested in this discussion, but I think we will have an opportunity to discuss those matters later on, and I would like to hear the reason why the State Department recommends the passage of this bill.

Mr. GARNER. May I suggest to the Secretary in that connection? Congress would have the same power and the same authority to make rules and regulations to protect the President of the United States in selecting one of the Justices in the Supreme Court as it has to make rules and regulations suggesting as to how he should select his consuls, would it not?

Mr. GOODWIN. Mr. Garner, you wouldn't think that——

Mr. GARNER. Just a moment, if you will, Mr. Goodwin, so that I may have the answer from the Secretary first.

Mr. WILSON. The Supreme Court is out of my sphere; but assuming that Congress has the power, we have happily reached a stage of enlightenment where people do not think of appointment of the Supreme Court under the spoils system. But we have, unfortunately, not passed to that degree of enlightenment as to the foreign service quite yet.

Mr. GARNER. Is there not some discussion in this country as to what influences control the President in appointing members of the Supreme Court?

Mr. WILSON. I have noticed nothing worthy of attention.

Mr. GARNER. I notice that Congress passed some kind of a law recently providing that the President should make known the influences that guided him in the selection of one of the Chief Justices.

Mr. WILSON. Well, as I have been attending strictly to my own business I am not competent to discuss that.

Mr. GARNER. At least, you know that it has been discussed in Congress?

Mr. KENDALL. I do not see that this is a parallel case in any event. That didn't have reference to control of the President in the matter of appointment, and it simply required him to prepare a report

stating the circumstances under which the appointment was made, which would be a very different thing.

Mr. WILSON. Mr. Chairman, I do not think that Mr. Garner, awhile ago, meant that he looked forward to the election of a President who would prefer incompetent consuls to highly efficient consuls, and so I look at this moral mandate (to put it as strongly as it could be put) not as deterring the President from making vicious appointments—I wouldn't like to assume that any President would wish to do that in the foreign service at this late date—but as upholding the hands of the President and relieving him from a horrible amount of pressure, giving him a fair chance to make good appointments in the foreign service. That, I think, is a great virtue of this provision.

Now, beyond the Executive orders on which the foreign service has been raised to its present efficiency, the bill provides for the appointments to grades instead of to places. We had the law officers of our department examine this and they view it as free from any constitutional difficulty or question.

Another one of the great merits of that first provision are these few that were mentioned. For example: To-day there is pending before Congress a bill for a redistribution, because experience teaches us that quite rapidly, at times, business opportunities in one country or city become great. We have found, experience has taught us, that a consulate at such and such a place is scarcely necessary. Now, unless we close the useless consulates, as we sometimes do, and make an economy, which nobody seems to give the department any credit for, we have to go on having an expensive consulate where we want a low-grade consulate, and an inadequate consulate in a place that has become important. Then, it keeps us from having that mobility for transfer that the good of the service makes necessary. It prevents us from instilling into the personnel of the service the feeling of esprit de corps and allaying all of this discussion as to whether a certain transfer is a promotion or not. That is more particularly true of the secretaryships. Some of them are so much more important than others that are now held in higher esteem that it would help us a great deal to have the secretaryships in so many grades, and have the whole thing done irrespective of places, by making so many consulates general at such a salary, and so many consulates at such a salary, and so many secretaries at such a salary, etc., and down through the Diplomatic and Consular Service. Then men could be appointed and confirmed to be secretary of embassy of such and such a class, and the place he would serve from time to time would be according to the exigencies of the service. We think this would be an excellent reform.

Mr. GARNER. By the passage of section 3 of this bill, you would have accomplished for the Diplomatic Service just exactly what we did for the Consular Service, wouldn't you?

Mr. WILSON. We would do what the law of 1906 did.

Mr. GARNER. Do you think that was a beneficial law?

Mr. WILSON. Excellent; but section 3, taken with section 1, would go a little further, Mr. Garner, because your law of 1906 made provision for a post attached to a certain place, and Mr. Sulzer's bill proposes to make it a class and entirely divorce the nominations from any exact place.

Mr. GARNER. There would be no objection to section 1 and section 3 of the bill. That would make a complete classification, authorizing the President to appoint them to a class rather than to a place.

The CHAIRMAN. To a grade.

Mr. WILSON. And send them where they can do the most good.

Mr. GARNER. And send them where they can do the most good, and I wouldn't have any objection to sections 1 and 3 of this bill. The only thing I object to is that we are proposing to authorize a President to do what he has a right to do.

Mr. SHARP. By the law of 1906?

Mr. GARNER. Yes.

Mr. SHARP. That was the question I asked a few minutes ago, Mr. Secretary, to find out the scope of this bill, to see how far it was a modification—

Mr. GARNER. Sections 1 and 3 of this bill would make the Diplomatic Service just like the Consular Service is now?

Mr. WILSON. There is a slight difference, Mr. Chairman, if I recall correctly. As I recall, the Consular Service bill of 1906 said: Class 1, the consulate general in London and Paris, at so many dollars each, etc., and it goes on so down the list. Of course, there is nothing of that kind done yet for the secretaries. But the Sulzer bill would, instead of that, say class 1, three consulates general, at so much, for instance. It would have that slight difference. It would make nominations and confirmations to grades instead of to geographical places.

Mr. GARNER. Congress simply went further. If Congress had said there should be so many of class 1, and so many of class 2, etc., and left it entirely to the State Department as to where they would place these different grades, it would be just exactly like this?

Mr. WILSON. Yes.

Mr. SHARP. Mr. Garner, you claim sections 2, 4, and 5 are surplus, because they are incorporated in the act of 1906?

Mr. GARNER. No; because the President does that now.

Mr. SHARP. By what law?

Mr. GARNER. By his own organization.

Mr. SHARP. Don't you think the chairman's argument has some merit, where he wants to give the force of law to an Executive order?

Mr. GARNER. When the force of law is not legally binding I do not see any necessity to pass it.

Mr. BARTHOLDT. With reference to the question of examination in former years your former consuls were appointed from the ranks of the politicians mostly, upon recommendations of the parties, etc.—Senators and Members of the House?

Mr. GARNER. Members of the Senate mostly.

Mr. BARTHOLDT. It is true, of course, that their functions are mainly commercial now. I mean the consular officers; they have no diplomatic function whatsoever, and consequently a knowledge of commercial conditions is superior as a matter of qualification to any other qualification. Now, I have always held that a man appointed from among the business men and merchants would, for that reason, be a better consul than a college graduate, for instance, who knows nothing at all about commercial life. I want to ask you whether

your examinations are such that an ordinary merchant, or a business man, would be unable to pass them, while a college student would be able to pass them?

Mr. WILSON. No; Mr. Bartholdt. The dates of examinations are always announced about half a year in advance, and I think, with respect to a college graduate, and an intelligent business man, desiring to take the examination, that they would be on an equally advantageous footing, and if there is any advantage it would be in favor of the business man.

Mr. BARTHOLDT. I am very glad to hear that.

Mr. SHARP. It seems to me that your statement made a while ago, if I remember correctly, that 50 per cent credit was allowed a man who could answer certain questions hypothetically would be a distinct advantage to a man of long experience, who does not have to rely upon a college training, and it ought to be really in favor of a merchant who has had a long business experience.

Mr. WILSON. Exactly. And it works out in that way.

Mr. GARNER. I can assume in the limited observation that I have had in the selection of consuls from the State of Texas, that the statement made by the Secretary is correct, that the business man has the advantage. We happened to have a college graduate take an examination up here, and his written examination was all right, but he didn't show up so well in the oral examination. We had another one, I don't know that he had ever even been a graduate of a high school, who was examined at the same time, and his written examination was not very high, but evidently his oral examination impressed the board very much, because he was accepted, and I want to ask the Secretary this question in this connection.

Mr. BARTHOLDT. I wasn't quite through yet. I wanted to satisfy myself. Some comparison has been made here between the German consular service and the American Consular Service. I want to say from my observation, and I have traveled through Europe for the last 20 years, and have made it my business to look up the conditions in our country, and also study the methods employed by the consuls of Germany and England, and I am frank to say that the American Consular Service is superior to that of Germany, at least for this reason; that the German consul can not be appointed unless he is a graduate of a university. They have to study the science of government, of course, and have to graduate from a university before they can even be considered for appointment. As a rule, they have mostly academical men, they have men with splendid academical education, but lacking in practical education, and it is for this reason that I emphasize that principle, that men who know something about commercial business should have an equal chance with the other.

Mr. CLINE. You are not appointing young fellows—graduates—to these position, are you?

Mr. WILSON. No, sir; there is no preponderance of them.

Mr. CLINE. That is what I say, so it is an unfair comparison made here, for the reason that the college graduate doesn't get in until he has had a large business experience, or the same that a business man has had?

Mr. WILSON. No; I must make that a little clearer. In the Consular Service the student interpreters who go to Turkey, China, and Japan go there and become interpreters, and vice consuls and deputy

consuls throughout the Far East and the near East. There is one in Persia now who knows Arabic, for instance. Then there are the consular assistants, who, like the others, start in at \$1,000 a year and are sent as vice consuls and deputy consuls everywhere. Those men, naturally, are taken quite young. They are men of good education and of apparently good common sense and character and energy and good promise. They are started in at the lowest grade. All these men, if they make good, rise to the higher grades of the service as consuls or as one of the three language secretaries at Tokio, Peking, or Constantinople. Under the Executive order of 1906, in the consular office, the original appointments are only made to the two lowest grades, and there are nine grades. And there again they start in at \$2,000 and \$2,500 in the least important positions. So that, therefore, there is no great objection to getting those men so long as they are good material to start with.

Mr. CLINE. Your oral examination provides for that?

Mr. WILSON. Yes, sir; so that we do take a great many young men.

Mr. GARNER. Mr. Secretary, I caught from your remark a while ago this idea, that, for instance, you are going to have an examination for consuls in a few days, about the first of April, I believe. Say there are a dozen gentlemen to be appointed. You certify to the President or the Secretary of State certifies to the President the list of eligibles. That leaves the President in a position to use his discretion in selecting out of that list whom he may choose, so that the most meritorious man in the examination doesn't necessarily get the position?

Mr. WILSON. You mean as it would be under this law?

Mr. GARNER. As it now is, and would be under this law?

Mr. WILSON. As it is now.

Mr. GARNER. And as it would be under this law?

Mr. WILSON. Well, if you would like to know how it is now, and it would be the same and better still under the Sulzer bill——

Mr. GARNER. Yes.

Mr. WILSON. The President has wanted to have as efficient a foreign service as possible. You know, by the Executive order, the first thing provided for is the designation by the President for examination. That means a good *prima facie* case. The application must look as if the applicant might be the right material. Then, if so, the man is designated. Then there is also this consideration: We are bound by the Executive order in these designations, as well as in recommendations for appointment after examination, to try to equalize the representation of all the States and Territories, so that if there are plenty of people applying we do not designate one who comes from an overrepresented State, except when it is clear that we are not able to get enough men from the underrepresented States. It has not been easy to get enough men, especially from the South. I would like to call your attention to the figures, by the way, to show the increased representation from the South. I think the opportunities in the South are crowding now on the young men down there, and that that is why the South still sends too few suitable candidates.

These designations are made and then the examinations take place. The report of the board of examiners sets forth in order how well they pass, the averages of both examinations, with notes as to what

foreign language the candidates know and what their peculiar qualifications are. If a man has greater maturity than some of the other applicants, and would not be likely to lose his head, he would probably be recommended for a post where there would be more chance to get excited, for instance.

The board of examiners report on how they pass the candidates, as I said, with notes as to what languages they know and as to what they lack or as to their general qualifications. This report is submitted to the Secretary of State. Thereupon, the Secretary of State consults with the other officers of the department, and they look over the vacancies and take into consideration what is in the report—the man's qualifications, the languages that he can speak—and then the recommendation goes to the President, stating where it is recommended that the man should go. We now have quite a surplus of eligibles for the Consular Service.

Mr. SHARP. How many have you had take the examination in the past year?

Mr. WILSON. Four hundred and fourteen, I think it was, since 1906.

Mr. SHARP. That many? That is surprising.

Mr. WILSON. Four hundred and fourteen in the Consular Service, of whom 188 passed. Usually 30 per cent pass. Our aim has been—we haven't yet got it in the Diplomatic Service, but we have in the Consular Service—to keep a surplus eligible list of applicants, because in that way we can take the cream off the eligible list, and also apply the quota rule in an effort to distribute the appointments over the country. A man may stay on the eligible list without being appointed for two years, and if that is the case he has to start all over again. He has to be designated anew.

The CHAIRMAN. Mr. Secretary, you haven't explained the present system. Will you be good enough to explain the difference between the present system and the system that will prevail if the bill under consideration should become a law?

Mr. WILSON. The classification which we discussed, Mr. Chairman—I meant to include the classification and appointments to the different grades as the new features.

The publication of reports of the examinations is another, the idea in that being that we are looking into the future, and Mr. Carr and I, being chairmen of the two boards of examiners, naturally think it is being done conscientiously now; but we want to have the thing made public so that it will arouse an interest and also because I believe in a permanent plan publicity will be a good safeguard.

Mr. COOPER. May I say right here that I think that is one of the best features I have ever seen in any bill on page 3:

And the report of the board shall be made public; and the Secretary of State shall at the same time make a public statement of the proportional representation of the different States and the Territories in the foreign service.

Publicity is one remedy for unfairness.

Mr. GARNER. I don't want there to be a misapprehension here. I therefore ask this question: You have not a real civil service now applying to the consular force?

Mr. WILSON. We have got something better than that. We have—what you mean by the phrase real service, I do not know, perhaps precisely—but what we have got is absolutely a criterion of merit for

original appointment and relative efficiency as the sole basis of promotion.

MR. GARNER. I can take an isolated case and illustrate. Say, a young man of 25 years has had a thorough education, and has had two or three years of active business experience in the wholesale trade, we will say, and has traveled all over the country selling goods. He is thoroughly qualified for a consulate position. But he doesn't know a United States Senator. He has not the good fortune, maybe, to be acquainted with a Member of Congress, and therefore he can't get the designation. We will say that he comes up and asks you for a designation, and wants to be designated, and you finally suggest to him that he had better get the recommendation from his bankers, or business men of his community, or his Senator, or his Congressman. Now, don't you do that?

MR. WILSON. I will tell you what we do, Mr. Garner. We give him the printed form of application, which gives him the opportunity of stating what he has done before and stating himself what one would naturally want to know about a man whom it was thought of employing, so as not to have it as if he had dropped from the sky. It is printed at the bottom of that form that we want a recommendation from people with whom and for whom he has worked and who have a personal direct knowledge of him. Then I always say when, as so often happens, people come with those very questions and ask whether any political influence is necessary—I say, "Not at all; but you claim to be from such and such a State and you want to go into the foreign service. If you pass the examination and are nominated for a post, your nomination will have to be confirmed by the Senate. If you went through the whole 'rigmarole' and the Senator from your State said, 'This man isn't a bona fide citizen of our State, or we know something derogatory about him,' one or two of the Senators from your State could block your appointment, and everything you had done would go for naught. I do not say that for any political purpose, because we do not care for that at all, but at least we think it should appear in your record that your Senator does not have any objection to your prospective appointment."

MR. GARNER. But, as a matter of fact, the brightest young man in America hasn't an absolute right to take this examination?

MR. WILSON. No, sir.

MR. GARNER. That is, it isn't civil service in the first instance, so that he has a right under the law to take this examination; but if he is designated by the President to take this examination, and he does pass, yet the Secretary of State, regardless of the grade he has made or from what State he comes, reserves the right to select from that eligible list the ones that he will recommend to the President to be appointed to take the vacancy?

MR. WILSON. He is bound to do that.

MR. GARNER. So that it is a fact that even if this man makes the highest grade, and even if he is fortunate enough to get a designation, which he is not really entitled to under this Executive order or under this law, it doesn't mean that he will receive an appointment?

MR. WILSON. If he is entitled to the appointment, he gets it from the President and from the Senate. That is, by the Constitution. The Executive order bars the consideration of political affiliations, and enjoins that in appointments the quota rule must apply, and

several things like that. If we have got a French vacancy, we would probably choose for that place a man speaking the French language in preference to one who spoke only German. But that is the only sort of consideration that ever enters into selections from the eligible list. The foreign service is a small service. It is not like the civil service, where you have thousands of employees, and it is a service where the employees have to go into foreign countries.

Mr. GARNER. I was not criticizing the mode in which you administered this law, but I was simply utilizing that as an illustration that you are asking Congress to pass a law that is purely advisory and empowering the President to do what he can now do in the way of selecting consular and diplomatic secretaries, and it would in no way legally bind him in selecting men—efficient men.

Mr. SHARP. What changes would you suggest in this bill, or in your bill, so that you could protect this young man that you claim has no right?

Mr. GARNER. You can't protect him unless you amend the Constitution, because the Constitution gives the President the power and the right to do that.

Mr. COOPER. The Constitution gives the electors the right to vote for whom they please for President. Are you in favor of having a convention, a nominating convention, to indicate the choice of the people as to the man they want the electors to vote for?

Mr. GARNER. I certainly would stand up against anything that would bind a State to take any other mode of election except that as provided by the Constitution.

Mr. COOPER. This doesn't undertake to bind them at all. Are you opposed to a primary in a State which should indicate the choice of the people for United States Senator?

Mr. GARNER. I would certainly be opposed to any provision of Congress that undertook to provide a different mode from that provided by the Constitution.

Mr. COOPER. But this is purely advisory in either case, and yet the public sentiment is gathered around this proposition so that it is practically unanimous on the question of the vote by the electors for President.

Mr. GARNER. I challenge the gentleman from Wisconsin (Mr. Cooper) to point to a single law ever passed by Congress authorizing an executive officer to do a thing that he has already a right to do.

Mr. COOPER. That isn't this case at all.

Mr. CARR. Congress did pass a law in 1856 in which it said that the President should appoint diplomatic officers to certain places.

Mr. GARNER. There is a different word. You use the word "may." If you said "the President shall"—but the gentleman drawing this bill saw that it would apparently be unconstitutional and provided that he "may" do it.

Mr. CARR. That is to avoid the constitutional question.

Mr. LINTHICUM. I understood you to say that it was the desire of the department to obtain a very efficient foreign service. Now, following the line of questioning of Mr. Carr, the other day, which he did not seem very well informed about, I want to ask if you know a man by the name of John Ridgely Carter, of Maryland.

Mr. WILSON. Very well.

Mr. LINTHICUM. How long was he in the service?

Mr. WILSON. I think he was in the service about a dozen years.

Mr. LINTHICUM. Wasn't it longer than that, something near 20 years?

Mr. WILSON. I do not know.

Mr. LINTHICUM. How is it that he claims that he has been absolutely dropped from service.

[Mr. Wilson explained at length the circumstances of Mr. Carter's resignation, but suggested that his statement be not made of public record, but be given Mr. Linthicum for his private information and for the private information of Mr. Linthicum's constituent, Mr. Carter, if desired.]

The CHAIRMAN. Mr. Secretary, please confine yourself to the bill under consideration.

Mr. GARNER. I want to put this hypothetical case to the Secretary, because your principal reason, as I understand it, for asking for this bill, is to get public sentiment back of the President, and force him to do his constitutional duty, in selecting the best men, and provide a means for ascertaining the best men. Let us suppose a case. Let us suppose that a Democratic President should be elected in November.

Mr. CURLEY. There is no supposition about that, is there?

Mr. GARNER. I am not going to assume anything here. Or that he will be a better President than a Republican President, but some of us might be of that opinion. Let us suppose that a Democratic President was elected next November, and took his seat on March 4, and that he should determine to make a thorough investigation of the Consular and Diplomatic Service as it exists, the Republican Party having been in power now for a number of years, and under that investigation should determine, say, that a large percentage of them were wholly inefficient men, and a character of men that ought not to be in the service, and that the President, under his constitutional right, could select better men for the places they were then filling. And suppose he should remove them—what we would term a "wholesale removal"—with this law on the statute books, what kind of a revolution, what kind of a furor, would be created throughout the United States?

Mr. WILSON. In the first place, if there was any considerable body of such inefficient persons in the service, the department would ask the President to fire them right away.

Mr. GARNER. I was putting it to you as a hypothetical case.

Mr. BARTHOLODT. You needn't be alarmed about that.

Mr. WILSON. The Sulzer bill would facilitate the President in the matter of discovering inefficiency. Otherwise it would be without effect.

Mr. GARNER. This will do what?

Mr. WILSON. This will help the President to discover the inefficient people in the service.

Mr. GARNER. How do you mean?

Mr. COOPER. On their record of efficiency.

Mr. GARNER. These people are out of the service, you understand.

Mr. WILSON. I will tell you by reading section 2:

That the Secretary of State is directed to report from time to time to the President, along with his recommendations for promotion or for transfer be-

tween the department and foreign service, the names of those secretaries in the Diplomatic Service and the names of those consular officers or departmental officers or employees who, by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the service.

The law makes the Department of State keep an accurate record of efficiency. It makes it mandatory upon the Secretary to put before the President the record, so that the President may determine who are efficient and who are inefficient, so that he can find out, as he never could before, just whom he ought to drop.

The CHAIRMAN. Mr. Wilson, have you concluded your statement?

Mr. WILSON. Of course we have been talking about a minister, and this does not enter into the bill, by the way, but may I bore you for one moment on the salary question, since we have dwelt on it, referring to what Mr. Cooper said?

We hear a great deal about that there ought to be high salaries in the service. I have studied the thing a good many years—long before I came here—and I have studied the systems in other countries, and I am not for high salaries in the foreign service. If you have high salaries in the foreign service, high enough for representation in expensive capitals, you are not protected against the sporadic and stingy man, who will put in his pocket, or invest, or salt down, the money given him in order that he may represent the country handsomely. I believe in low salaries, even if you made the salary of an ambassador from \$5,000 to \$10,000, and then, I believe, in a carefully worked out schedule, taking into consideration the expensiveness, the usual scale of living in the different capitals, the obligations of the service, the entertainments and equipage, and all that, and having a distinct schedule of allowance for houses until we own our own buildings, one allowance toward house and office rent, others toward equipage, entertainments, etc.—all these can be finally accounted for to the department, which knows perfectly well about how much ought to be done in that way. Then, by paying these small salaries, the department can see to it that the allowances are equitably distributed and fully used to represent the country instead of being made a part of the man's savings. That, with the buildings, would make the service really democratic, so that only ability need be considered.

Mr. GARNER. That is a good suggestion. It would do this other fact. It would keep the poor man from being eliminated because he couldn't give as big dinners as the rich man, and the rich man wouldn't be more considered than the poor man.

Mr. WILSON. Exactly. I just wanted to say that I didn't approve of great display of a man's personal fortune on the ground of representing a country. That can be overdone, and may be just as objectionable as the action of a stingy and penurious representative is. If we had the plan I mentioned, we would not have either extreme, but a dignified and uniform standard.

Mr. BARTHOLOMT. That is very good. Of course, it is quite evident, Mr. Secretary, that the expenses, the total expenses, then, for entertainment and representation and equipage and all of that, that that would be larger than what the representatives receive in salary, for instance, at Berlin, Vienna, London, and Paris?

Mr. WILSON. Oh, yes.

The CHAIRMAN. Your suggestion carried out would mean equal opportunities for all.

Mr. WILSON. I would like to say that the millionaire and the poor man would both stand alike, eligible only on the criterion of their efficiency and ability.

The CHAIRMAN. Mr. Wilson, I agree with you, and that is what I am trying to do.

Mr. SHARP. Would your suggestion go far enough to absolutely prevent some multimillionaire from representing the country? Would it prevent him from going there and renting a mansion costing \$75,000 a year?

Mr. WILSON. It would. The department would supervise any rental pending the ownership of the buildings.

The CHAIRMAN. The committee is obliged to you, Mr. Secretary (Mr. Wilson), for appearing here this morning and giving your views concerning this bill, and as you are a busy man we will not ask you to come again, but will send you the stenographer's notes when they are transcribed, and you can correct the same and add to your statement if you so desire.

Mr. WILSON. Thank you very much for that privilege.

The CHAIRMAN. The committee will now adjourn.

Whereupon the committee adjourned.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
April 3, 1912.

Mr. Sulzer in the chair.

**STATEMENT OF AUSTIN A. BURNHAM, GENERAL SECRETARY
OF THE NATIONAL BUSINESS LEAGUE OF AMERICA.**

The CHAIRMAN. We will hear Mr. Burnham in regard to the bill for the improvement of the foreign service. Mr. Burnham, will you give the reporter your name in full?

Mr. BURNHAM. Austin A. Burnham.

The CHAIRMAN. Mr. Burnham desires to speak about the Nelson-Foss bill and the Sulzer bill.

Mr. BURNHAM. Mr. Chairman and gentlemen of the Committee on Foreign Affairs, after 14 years of persistent endeavor by the business interests of this country, with practical and well-defined propositions, to induce the Congress of the United States to enact a law that would place the American Consular Service on a permanent merit and business basis, under national statute, I am indeed surprised that additional hearings on the measure should be necessary to rational and effective action.

During the last decade and before, as your committee records undoubtedly show, the varied business interests of the country, with the national league I represent, have clearly stated the provisions of a measure that should be enacted to place and maintain the consular service on that high standard of efficiency, imperative as a vital factor of the vast movement now in course of development that

will enable America to not only hold her own, but to distance all national competitors in the forthcoming fierce commercial contest for supremacy in the markets of the world.

Representing the National Business League of America, and responsive to the valued invitation of the honorable chairman of this committee, I am here to-day to briefly consider the relative merits of two consular bills.

First, the Nelson-Foss bill, the merit provisions of which embody the principles of the Roosevelt Executive order of June 27, 1906 (formulated by an expert commission appointed by the Secretary of State), and of the Executive order issued by President Taft, November 26, 1909, also formulated and indorsed by the State Department, the only material difference being that the Nelson-Foss bill obligates the President, under national statutes, and the Executive orders are but temporary rules of action. Briefly stated, the bill in question provides:

First. Appointment of candidates, within reasonable age limits, to the lower grades of the service, after thorough examination. All candidates to be designated by the President for appointment, subject to examination.

Second. Vacancies in the higher grades of the Consular Service to be filled by promotion from the lower grades on the basis of efficiency.

Third. Creation of examining board with rules for examination of candidates.

Fourth. Complete Americanization of the service.

Fifth. Appointment of consuls and consuls general to grades instead of to places, designation of places to be made by the President.

Sixth. The Government to pay the actual expense of transferring a consul, his family, and effects, when ordered to a new post.

Seventh. Grading the secretaries of the Diplomatic Service with fair compensation. Appointment and promotion to be under examination rules and records for efficiency, similar to those provided for the Consular Service.

Eighth. As between candidates of equal merit, proportional representation of all the States and Territories in the Consular Service. Political affiliations of candidates not to be considered.

The Sulzer bill provides: First, for appointments to grades instead of to places (copied from the Nelson-Foss bill).

Second. Directs the Secretary of State to report from time to time to the President on records of efficiency, with recommendations of candidates for promotion or transfer, and of persons fit through examination to enter the lower grades of the service.

Third. Grading of the secretaryships of the Diplomatic Service with compensation according to grade.

Fourth. Creation of examining boards for the Diplomatic and Consular Service.

Fifth. Scope and methods of examinations to be determined by the boards of examiners. Designation of certain subjects for examinations. Examining boards to report to the Secretary of State, who shall make the report public, with a public statement of the proportional representation of the different States and Territories in the foreign service.

The Sulzer bill differs from the Nelson-Foss bill in that it does not provide age limits for eligibility to examination. Twenty-one to forty years, both inclusive, is the minimum and the maximum age limit for examination, according to the Nelson-Foss bill. Thirty-five years would, in my opinion, be better for the maximum limit. If men too far advanced in years are admitted the Government would only get a short-term service. It requires several years for a consul to be thoroughly trained in the service; therefore the earlier he goes in after 21 the better.

The personnel of the consular examining board, as provided by the Sulzer bill, is made up of four officials from the Department of State, and one official from the Civil Service Commission. The Nelson-Foss bill includes the Chief of the Bureau of Manufactures of the Department of Commerce and Labor as a member of the examining board, for the reason that that official is, in the last analysis, really the connecting link between the exporter and foreign markets, so far as the Government is concerned, and is well advised as to the resources, industries, and commerce of the United States; therefore his judgment as to the fitness of a candidate for the Consular Service should be of distinct value to the board.

The Nelson-Foss bill also provides that the Government shall transport free the family and effects of a consul or consul-general when ordered to a new post. The Sulzer bill does not so provide. Consider the injustice to a consular official, on a salary of \$2,000 or \$2,500 moving his family and household goods half way around the world at his own expense.

Complete Americanization is also provided for in the Nelson-Foss bill. While, at present, we are only Americanizing down to the \$1,000 salaried man, there is no earthly reason why the Government should not make the compensation larger so that the service can be Americanized clear down to the janitor. Let us have a service that is American in fact as well as in name.

Mr. COOPER. What do you mean by "American" ?

Mr. BURNHAM. I mean American citizens.

The CHAIRMAN. Is it not a fact that all of the men in the Consular Service at present are Americans?

Mr. BURNHAM. The regular consuls and consuls general are; yes.

A merchant or manufacturer would hardly employ the son of an aggressive competitor as his confidential secretary, privy to all his trade secrets; yet that is precisely what the United States Government has been doing for more than 100 years.

The Sulzer bill has one fatal defect in that it does not obligate the President.

The CHAIRMAN. Of course, you know, Mr. Burnham, we can not obligate the President in the way you suggest without making the bill unconstitutional on its face.

Mr. BURNHAM. Our people claim that you can. I am going to touch on that.

The CHAIRMAN. Every constitutional lawyer in the country knows you can not.

Mr. BURNHAM. Some of the lawyers do.

The CHAIRMAN. They must be queer lawyers. We will be glad to have you leave with the committee a list of the names of the law-

yers who tell you that an obligation of that kind in the bill would be constitutional.

Mr. BURNHAM. I will compile the list and will present it later.

The CHAIRMAN. Of course, Mr. Burnham, you do not want us to waste time passing an unconstitutional bill?

Mr. BURNHAM. No; not at all. With a change of party administration every vestige of the services would be swept away and untrained men sent for temporary careers into strange lands, amid new environments, to promote the foreign commerce of this country.

The CHAIRMAN. What authority have you for saying that a change of administration will sweep the entire Consular Service away?

Mr. BURNHAM. I am coming, by analogy, to that.

The CHAIRMAN. Come to it now. Your statement is absurd.

Mr. BURNHAM. In an able address by Hon. John Ball Osborne, Chief of the Bureau of Trade Relations of the Department of State, before the National Business Congress, recently held at Chicago under the auspices of the league, it was stated that—

During the first year of his administration President Harrison made changes in most of the consulships considered worth having. During the first year of President Cleveland's administration the clean sweep came into full operation. Within a period of less than 10 months 30 out of a total of 35 consuls general and 133 out of a total of 183 consuls of the first class, besides the great majority of the minor consuls, were superseded and their places filled by hastily selected Democrats. A similar course was followed by President McKinley. During the period from March 4, 1897, to November 1, 1898, the changes in all grades above and including consulships at \$1,000 aggregated 238 out of a total of 272 officers.

The CHAIRMAN. My bill stops all that.

Mr. FLOOD. The object of the bill is to prevent it.

The CHAIRMAN. Precisely.

Mr. BURNHAM. To prevent it; precisely.

Mr. DEFENDERFER. To keep it where it is now?

Mr. BURNHAM. Under an Executive order the same condition prevails. "At the close of each of the administrations mentioned only a handful of representatives of the minority party survived in office." On the record of the past is there any reason to hope that, with the Sulzer bill operative, history would not repeat itself under similar conditions?

The CHAIRMAN. Mr. Burnham, do you think public opinion amounts to very little in the United States?

Mr. BURNHAM. Well, public opinion is the great power, but still, at the same time we know what has been, and we must reason from the past in order to safely determine what will occur in the future.

The CHAIRMAN. You are, perhaps, right about the past, but you are mistaken about the future.

Mr. GARNER. You want, by some hocus-pocus method, to force the President of the United States not to exercise the constitutional power that he has to appoint consuls?

Mr. BURNHAM. We claim that we do not lessen his power if he designates them for appointment subject to examination. I am coming to that.

Mr. COOPER. Instead of its being some hocus-pocus method, your idea is, by some expression of the views of Congress, to have the Executive treat these matters as business affairs?

Mr. BURNHAM. Precisely.

Mr. COOPER. That there should be no more politics about it than there is in the case of one of these bureau chiefs out here?

Mr. BURNHAM. Yes, sir.

Mr. KENDALL. The President, under this provision, might appoint whomsoever he pleased, provided he appointed them from this eligible list?

Mr. BURNHAM. Yes.

Mr. KENDALL. That reminds me of a soap manufacturer out in Des Moines who has a sign, "Use any soap you please, just so it is Puck's."

Mr. DIFENDERFER. How long has this matter been agitated?

Mr. BURNHAM. I have been the general secretary of this league for 15 years, and for 14 years we have had this measure, and the other organizations of the country have also discussed it here and all over the country in meetings, and the business interests are coming to practically the same opinion as to the provision that is necessary, the principle that should be enacted into law—

Mr. DIFENDERFER. During those 14 years the Republicans have been in power?

Mr. BURNHAM. They have; certainly they have. There has been no change. It is under Executive order.

Mr. COOPER. Mr. Difenderfer has just stated that the Republicans have been in power, the inference being that nothing has been done to put a stop to making this consular service purely a spoils affair. Did President Roosevelt do anything to stop that?

Mr. BURNHAM. He issued the Executive order of 1906.

Mr. COOPER. He tried to make it a business affair as best he could?

Mr. BURNHAM. Yes.

Mr. WOOD. Nobody calculates, does he, that the power of the President would be restricted in this matter? It is a constitutional power, isn't it?

Mr. BURNHAM. It is a constitutional power.

Mr. WOOD. You can not take that away.

Mr. BURNHAM. He says, "I appoint you subject to examination." You do not interfere with his choice.

Mr. FLOOD. Didn't you make a strenuous effort to get this proposition enacted into law in 1906?

Mr. BURNHAM. We did, and the committees cut out all the merit provisions from the original Lodge bill, No. 1345.

Mr. FLOOD. And didn't the Republican Congress turn down your proposition that year?

Mr. BURNHAM. They did. The Committee on Foreign Relations and the Committee on Foreign Affairs coincided.

The CHAIRMAN. Go on. I hope the Democratic Congress will treat you better.

Mr. DIFENDERFER. In answer to Mr. Cooper, I would like to say that the Republican Party evidently made no attempt to take this out of politics in the 14 years referred to.

Mr. BURNHAM. They have done splendidly, but with the change of party administration—that is what I am considering now.

Mr. WOOD. You do not claim that we could take it out of politics, do you? That we could restrict the power of the President?

Mr. BURNHAM. I am coming to that in just a moment. Under the Executive orders, I would not advise any young man with business ability and prospects to enter the foreign service of the United States with the expectation of making a career, for he would be prematurely lost in the inevitable ebb and flow of political preferment.

Are we in a position to hesitate and hiddle over imaginary constitutional points, when the great industrial and commercial nations are sending their export-trade scouts to every commercial center in the world, for the purpose of capturing the foreign trade? After all that has been accomplished temporarily by the State Department, under the Executive orders, shall we retrograde to the days of political plunder; to the days of that prince of spoilsmen; that loyal and persistent apostle, in theory and in practice, of the principle that "to the victors belong the spoils"—Andrew Jackson—who removed more public servants for political reasons than all the other Presidents in 40 years before?

The Constitution of the United States was framed in general terms, and, as stated in the preamble, for the general welfare, but invisible interlineations of its spirit and purpose run all the way through it. President Taft said:

The men who made it, made it short, comprehensive, and simple, that it might be open for us to carry out what the future had in its womb—problems of which they could see only the hazy outlines.

Mr. Justice Story stated that—

The Constitution unavoidably deals in general language. It did not suit the purpose of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be perilous and difficult, if not an impracticable task. Hence, its powers are expressed in general terms, leaving to the legislature, from time to time, to adopt its own ideas to effectuate legitimate objects and to mold and model the exercise of its powers as its own wisdom and the public interests should require.

The late Mr. Justice Peckham stated that—

The idea can not be entertained for one moment that any intelligent people would have consented to so bind themselves with constitutional restrictions on the power of their own representatives as to prevent the adoption of any means by which to secure, if possible, honest and intelligent service in public office.

Where the Constitution is explicit, as where it provides that the President shall hold his office during the term of four years, everybody will admit that a single six-year term would involve an amendment; but in the provision that the President shall appoint consuls the ascertainment of fitness of the candidate must be provided for, and there the Constitution is as flexible as a rubber band, especially if the President designates for appointment subject to examination, as he would under the provisions of the Nelson-Foss bill. Only a broad view of the Constitution, in the interests of all the people, will lead us to righteous conclusions.

The towering genius of Franklin, Morse, Howe, Edison, and the great personalities of production, trade, and transportation, and the boundless natural resources of this country will enable us to become the greatest commercial Nation in the world if we get together on the great measures for industrial and commercial advancement. As a vitally important factor, then, for the advancement of

our foreign trade the Nelson-Foss bill is a strong, comprehensive, and effective measure, and should be reported favorably and enacted, leaving any constitutional question to the Supreme Court of the United States.

The Sulzer bill goes such a little way, imposing no obligation where obligation should rest, that it seems a waste of time to further consider it. Should it be enacted, I predict a speedy return to the vicious spoils system that, for all time, has weakened or wrecked the commercial advancement and the general progress and prestige of nations.

I said that the principles of the Nelson-Foss bill had been indorsed by every business interest in the country. That is true. It is also true that, from time to time, the State Department and most of the members of the Senate and House, including your honorable chairman, have strongly indorsed enactment of the merit system under national statute. I submit to each member of this committee a copy of this yellow booklet. It contains but an insignificant fraction of the testimonials received by the National Business League of America since the enactment of the fragments of the Lodge bill in 1906. Great men, living and dead, have herein spoken for the merit system and against the vicious spoils system. Larger compensation and retiring pensions for our consular officials are advocated also. While we are spending so much for commissions, monuments, memorials, and investigations, let us contribute more for our far-away "soldiers of commerce," who are alive and useful and need it.

For 14 years, at least, while the Congress has been considering what to consider, the National Business League of America and other commercial organizations have appealed to clear-cut, business-like propositions for legislation that would permanently improve the American Consular Service, and in return the league has received shower after shower of noncommittal, evasive letters and unfulfilled promises from Senators and Representatives, which, if published, would make a volume as large as Webster's Unabridged Dictionary. The situation is far from inspiring. The trouble is there are too many lawyers in Congress raising constitutional points. Lawyers are indispensable, but, to borrow from a board of trade expression, the Congress of the United States is "long on lawyers and short on business men." It is imperative that we even up, for with more business men in Congress, and as heads of the executive departments of the Government, the better all will become advised of the pressing needs of the industrial, commercial, and financial interests of the Nation.

Gentlemen, after so many years of earnest effort for the permanent betterment of the American foreign service, and the very friendly relations of this league with our national legislators and with the executive powers of the Government, it is my firm belief that we are all agreed as to that which should be done. If that be true, why legislate in small installments and leave the one supreme proposition unprovided for, to stare us in the face as a neglected opportunity, and to subject us to the criticisms and the condemnation that will surely follow. There is but one true course to pursue—do it now!—for "If it be not now, yet it will be; the readiness is all."

The gist of the issue that confronts us centers in the proposition as to whether the merit system shall be made permanent by law or simply a temporary spasm of reform; whether the capable sons of American business men, with the commercial instinct well developed, who have been especially equipped by the commercial schools of our great universities, shall, after a crucial test of examination, enter the foreign service for successful life careers, or this Nation be represented abroad by appointees whose only claim to recognition lies in party fealty; whether or not we shall retrograde to the conditions which prevailed when consular positions were peddled out for political favors as hucksters exchange values in the market place. It must be one thing or the other. There is no middle ground on which a "half loaf" expedient can rest.

The chairman submitted and read the following letter and telegram. There being no objection they were ordered to be printed in the record, and are as follows:

CINCINNATI, OHIO, March 30, 1912.

HON. WILLIAM SULZER,

Committee on Foreign Affairs, House of Representatives.

DEAR SIR: I wish to acknowledge receipt of your favor of the 28th instant. I have heard from Mr. Birch, stating that he had a pleasant conversation with you regarding House bill 20044 with regard to the improvement of the foreign Consular and Diplomatic Service.

Mr. Birch also promised me, he would be back in Washington in time to speak to you on next Wednesday.

The probabilities are that Mr. Birch has more information on this subject than any man in the United States. He has probably traveled more on business than most any other man and has made a study of foreign business, as few men in the country have. For this reason, he can be said to be an authority on the subject and that was my reason for asking him to represent the association before your committee.

I find it impossible for me to come to Washington next week but the association has formed a resolution indorsing this bill, which will be sent you before that time and I trust the results of our and your good efforts, will be its prompt enactment.

Very sincerely, yours,

W. B. CAMPBELL,

President American Manufacturers Export Association.

[Telegram.]

CINCINNATI, OHIO, April 2, 1912.

HON. WILLIAM SULZER,

House of Representatives, Washington, D. C.:

The foreign trade expansion committee of the Cincinnati Commercial Association, an organization of 1,500 business men in this city, urge passage of your bill for improvement of foreign service, being House bill 20044.

A. P. HAGEMEYER, *Chairman.*

Thereupon, at 12 o'clock noon, the committee proceeded to executive business.

DEPARTMENT OF STATE,

Washington, April 5, 1912.

HON. WILLIAM SULZER,

Chairman Committee on Foreign Affairs, House of Representatives.

MR. CHAIRMAN: You have asked me to comment upon the address made to the Committee on Foreign Affairs by Mr. Austin A. Burnham, general secretary of the National Business League of America. I think a careful examina-

tion of the copies of correspondence between the National Business League and the Department of State, which are printed in these hearings, will make absolutely clear to anyone the validity of the position taken by the department. The National Business League has done a good work in arousing public opinion to the vital importance to the business men of America of having an efficient-trained foreign service, based on merit alone. The business league has studied this question, according to Mr. Burnham, for 14 years. The Department of State has not only studied, but has been responsible for the actual administration of our foreign service for a century. I and other officials of the department have been studying and handling these matters in actual practice for many years. We entirely agree with the aims of the business league and I myself can detect no real reason for a divergence of opinion.

The simple question is, Shall the advocates of foreign-service reform accept a great step in advance, which they can get, or shall they reject a great gain that is within their grasp, because they would rather have a different measure, which none of us think they have any chance of getting? It seems to me it would be quixotic for any friend of foreign-service reform to fail to support the Sulzer bill.

Mr. Burnham speaks of "all that has been accomplished temporarily by the State Department," under the existing Executive orders. He seems to be good enough thus to admit that something has been accomplished. Anyhow, I think every other business organization and the hundreds of American firms, which have materially profited by the activities of our reorganized State Department and foreign service, will not only admit, but will enthusiastically testify that much has been accomplished. Mr. Burnham, however, seems to assume that with the Sulzer bill the "temporary" régime of efficiency will come to an end. Without the Sulzer bill the whole new system rests on Executive orders, to be set aside by a stroke of the pen. With the Sulzer bill precisely the system that is working so well will be immensely strengthened by having behind it the mandate of a law of Congress, in addition to the mandate of the public opinion of the whole business community. This is an immense advance.

Let me now take up some of the specific points of difference between the Sulzer bill and the Nelson-Foss bill (which was wrecked and would be wrecked again on the constitutional question), as they are made by Mr. Burnham. The first, the matter of age limit. The present age limit for appointment as consul is 50; that for appointment as student interpreter or consul assistant is 19 to 26; that for appointment as secretary in the Diplomatic Service is 21 to 50. An amendment to the Sulzer bill, including these age limits and, perhaps, making the age limit for appointment as consul 40 instead of 50, and, possibly, that for secretaries 30 or 35 would be unobjectionable. The Department of State is keenly alive to the importance of proper age limits for the different grades. This is a matter of discretion which, it would seem, might, without danger, be left to Executive or department regulation. Indeed, a conscientious board of examiners might very properly consider appropriate age in the determination of probable efficiency for which the oral examination, carrying 50 per cent of the whole examination, is designed.

The second point is the suggestion that an official of the Bureau of Manufactures of the Department of Commerce and Labor be included as a member of the Consular Service board of examiners. However important the relations of that department to the business interests of the country are, the Department of State has the administration of the Consular Service, and evidently officials of the Department of State by training and experience in actual practice would be the best judges of efficiency in the foreign service. They are selecting the men upon whose efficiency the success of their own work depends. So far as the commercial aspect is concerned, the Department of State has its great Bureau of Trade Relations precisely occupied with questions of foreign commerce; that is, with the very questions with which foreign service officials have to deal.

The suggestion that the Government should pay the actual expenses of travel and moving in case of the transfer of foreign service officials is a just one, but it appears to be one to be dealt with rather in an appropriation bill than in the Sulzer bill for the improvement of the foreign service. Of course it is a tremendous hardship to expect diplomatic and consular officials to move from one end of the earth to the other with their families and household effects at the rate of 5 cents a mile, and it is not very generous when one considers that within the United States, for traveling under far less expensive circumstances, 15 or 20 cents a mile is the rate allowed by law. However, this seems clearly a matter bearing upon the diplomatic and consular appropriation bill.

The statistics show that the Department of State has been Americanizing the foreign service with the greatest rapidity. The acceleration of this process of Americanization depends entirely upon the liberality of the appropriations in the Diplomatic and Consular Service bill. One can not get a good American young man to go and be clerk or deputy consul or to occupy any minor or clerical position in an embassy, a legation, or a consular office without paying him a decent salary. If the employment of any foreigner whatever was absolutely prohibited by law before the appropriation bill was correspondingly changed, the simple result would be that much of the work in many places would have to be suspended because we could not legally employ a foreigner and we had not the money to employ an American. That is the long and short of this.

We think the best way to Americanize the Consular Service is to increase the number of consular assistants. These are men who must be Americans, who must pass an examination, and who are eligible for gradual promotion from the lowest to the highest grades. They make the best men for the clerical positions, the vice consulships, etc. Another indispensable condition is liberal appropriations for the contingent funds and clerk-hire funds of both the Diplomatic and Consular Services. With adequate provisions in the Diplomatic and Consular Service bill the department could complete within a year the Americanization of the whole foreign service. An examination of the records would show that there are to-day surprisingly few foreigners in the service, and would show that there are very few, indeed, in positions which give them access to any matters of a confidential nature.

Mr. Burnham says that he would not advise any young man with business ability and prospects to enter the foreign service with the expectation of making a career. Only last week 72 men took the examination for the Consular Service. Besides these there are about a score still remaining on the eligible list from the last examination. The department is getting excellent material for the foreign service and has been appointing under the present system, which the Sulzer bill is intended to perpetuate, thoroughly high grade, competent, and practical men. These men are all starting in with the expectation of a career. They are chosen from all parts of the country, a great many from the South and West, and with no regard whatever to politics. With the passage of the Sulzer bill they will be given a strong moral assurance of making a career if they are successful and efficient. Without the Sulzer bill, I should agree with Mr. Burnham that their prospects were precarious.

As to the constitutional question, there is no use of arguing it, because it has been demonstrated that the weight of opinion of those in authority finds the constitutional question an obstacle to the bill the Business League of American favors. Senator Root, Senator Lodge, and Senator Cullom recognize the difficulty of the constitutional question and favor the Sulzer bill. I do not know of anyone who has studied the question thoroughly, either from the inside or the outside, with the single exception of the Business League of America, who does not already favor this bill, and I am firm in the belief that the Business League of America will come to the view that it is better to grasp a great advantage offered for the good of the cause of foreign service reform than to repine because another measure that we all think could not be passed would have been more exactly to their liking.

I am, Mr. Chairman, respectfully, yours,

HUNTINGDON WILSON,
Acting Secretary of State.

MARITIME EXCHANGE,
New York City, April 3, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs, House of Representatives.

DEAR SIR: Referring to your favor of the 25th ultimo and to my reply thereto under date of March 29, I have now to advise you that the law committee of this association, to which committee the matter was referred, have reported favorably on your bill (H. R. 2044) for the improvement of the foreign service.

As you are, of course, aware, this association, from the nature of its membership, composed as it is of representatives of practically all the leading steamship lines, importer, and exporters, etc., at this port, is vitally interested in the Diplomatic and Consular Service, and any measures for its improvement will receive our hearty support.

Your bill (H. R. 20044), if enacted into law, would result in placing the Diplomatic and Consular Service at a high state of efficiency and, we believe, would greatly aid the work of the embassies and consulates abroad, thereby facilitating the prompt transaction of the business which the members of this association must necessarily have with these offices.

We therefore respectfully petition for the prompt enactment of H. R. 20044 into law.

Respectfully,

MILLAND U. TAYLOR,
President.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
New York, April 3, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs, House of Representatives.

DEAR SIR: Replying to your letter of recent date, the chamber of commerce will, at its meeting to-morrow, indorse the bill to which you refer. It is a good bill, and I congratulate you upon the good work you are doing.

Very truly, yours,

A. B. HEPBURN, *President.*

CHICAGO, March 21, 1912.

HON. WILLIAM SULZER,
Chairman House Committee on Foreign Affairs.

DEAR SIR: I have the honor to inclose herewith copy of preamble and resolutions adopted by the board of directors of this board upon the subject of consular and diplomatic services of the United States, and trust that the same may have your distinguished support.

Very respectfully, your obedient servant,

GEO. F. STONE,
Secretary Board of Trade of the City of Chicago.

[Copy of resolutions adopted by the board of directors of the Board of Trade of the City of Chicago.]

Whereas the American Consular and Diplomatic Services are of great importance to the mercantile, manufacturing, and financial interests of the United States; and

Whereas upon the character and efficiency of those services depends, to a large extent, the expansion of our foreign trade; and

Whereas to give such services the efficiency demanded by a forceful and world-wide competition, they should be conducted absolutely upon the merit system and independent of mere political preferences; and

Whereas legislation affecting business interests should be definite, practical, and not lacking the essential element of permanence; and not subject, therefore, to the vacillations incident to politics: Therefore be it

Resolved, That the board of directors of the Board of Trade of the City of Chicago respectfully petition that the Congress of the United States enact such legislation as in its judgment will establish the Consular and Diplomatic Services of the country upon a sound business basis; and be it further

Resolved, That a copy of the above preamble and resolution be sent to President Taft, Vice President Sherman, Hon. Champ Clark, Speaker of the House of Representatives, Hon. Franklin MacVeagh, Secretary of the Treasury, and Hon. Philander C. Knox, Secretary of State.

FRANK M. BUNCH, *President*,
WALTER S. BLOWNEY, *Assistant Secretary*,
Board of Trade of the City of Chicago.

NORWICH, CONN., March 23, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Relations, Washington, D. C.

DEAR SIR: I beg to acknowledge your kind and very prompt reply to my letter and to say that it seems impracticable for me to appear and speak before your committee, as otherwise I would like to do.

The sheet with which you accompany the copy of the bill, stating summarily what the enactment of the Sulzer bill insures, is to the point in every clause.

As an occasional and observant traveler abroad in former years; as one having had more or less business in foreign lands; and as one frequently in correspondence, personally and by letter, with those of better opportunities for observation than my own, I am convinced:

First. That the old system of appointment to diplomatic and consular position, based on the doctrine of political reward, gives the absolute minimum of efficiency with the absolute maximum of expense.

Second. That under said system our Nation has been put to extreme disadvantage as compared with other and competing nations, as to the relative equipment, capacity, and influence of our diplomatic and consular representatives the world over.

Third. That the tentative examinations and rules established in the State Department have measurably and very visibly improved the service.

Fourth. That your bill, if it becomes law, will still further improve it, strengthening points now weak and elevating the tone and the efficiency of the service to a degree which will be quickly recognized and appreciated by every American citizen who travels or does business outside his own land. In that way it will greatly help the business of our citizens throughout the world.

Thanking you for your very courteous letter,

I am, dear sir, very respectfully, yours,

WM. A. AIKENS.

PORTSMOUTH, OHIO., *March 22, 1912.*

HON. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: We desire to have you know that we are in favor of bill (H. R. 20044) relating to the American Diplomatic and Consular Service, and are anxious to see it adopted and hope you will see your way clear to favor it.

Yours, very truly,

THE SELBY SHOE CO.

NEW YORK, *March 23, 1912.*

HON. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR SIR: Allow me to thank you for introducing the admirable bill 20044 for the improvement of the Foreign Diplomatic Service. I hope sincerely that the bill may speedily be reported by the committee and may be passed at the present Congress.

I am satisfied from some personal observation that the steps which have already been taken by the State Department in the direction of this bill, have greatly improved our Consular and Diplomatic Service. This bill will extend these improvements and give them a more permanent character.

Allow me to say that in introducing and presenting the bill you are rendering an important public service.

Faithfully, yours,

EVERETT P. WHEELER.

NEWARK, N. J., *March 23, 1912.*

HON. WILLIAM SULZER,
Washington, D. C.

DEAR SIR: By an unanimous vote at the regular meeting of this body, at which 150 business men were present, the provisions of H. R. 20044, introduced by Hon. William Sulzer, was accorded full indorsement, and it was voted to petition for its enactment at this session.

It was voted to communicate with the Members of the House and Senate from New Jersey to urge their cooperation and to request their support in favor of its enactment.

Respectfully,

BOARD OF TRADE OF THE CITY OF NEWARK.
JAS. M. KELLEY, *Secretary.*

MASSACHUSETTS STATE BOARD OF TRADE,
Boston, March 23, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs.

DEAR SIR: At a meeting of the Massachusetts State Board of Trade in executive council held March 13, 1912, the following vote was unanimously passed: "Voted, that the Massachusetts State Board of Trade, being especially interested in the improvement and extension of the commerce of the United States with foreign countries and in the development of an efficient foreign service capable of rendering substantial assistance to American manufacturers and exporters, approves of the passage of House Bill No. 20044, which it believes will lay the foundation for still further improvement in the future, and it asks the hearty cooperation of the Massachusetts Senators and Representatives in the effort to secure the passage of this bill."

Yours, very truly,

RICHARD L. GAY, *Secretary.*

STATE CIVIL SERVICE COMMISSION,
Chicago, March 1, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: As a citizen who is interested in the improvement of the public service, and especially the foreign service, I should like to urge the report and passage of H. R. 20044, introduced by yourself. I should probably go much further than your bill provides, as I thoroughly believe in the competitive system of selecting public officials. I believe, however, that it is of great importance to the foreign service that some such measure as you have introduced should be enacted.

Yours, very truly,

W. B. MOULTON.

THE MANUFACTURERS' CLUB,
Terre Haute, Ind., March 16, 1912.

HON. WILLIAM SULZER.

DEAR SIR: At a meeting of the Terre Haute Manufacturers' Club held March 14, 1912, your bill (H. R. 2044) for the improvement of the foreign service was read, discussed, and unanimously approved. The hope was generally expressed that you may secure its enactment into law.

Respectfully,

WM. C. BALL, *Secretary.*

CUSHING, SIDDALL & PALMER,
Cleveland, Ohio, February 28, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: I have seen copy of House bill 20044, entitled "A bill for the improvement of the foreign service," introduced by yourself and referred to your committee. I am very much in sympathy with the purpose and provisions of the bill, and respectfully urge with earnestness its report and passage.

Yours, respectfully,

WM. E. CUSHING.

BOSTON, February 29, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs, Washington, D. C.

DEAR SIR: I desire to approve and urge the report and passage of House bill 20044, placing the secretaries of the Diplomatic Service and the consuls in the classified service. I have felt for a long time that the provisions of the civil service should be embodied in law rather than subject to Executive order, which later may be annulled or suspended at any time. I hope at some future time the consent of the Senate may not be necessary in the case of officers selected under the civil-service provisions.

Yours, truly,

SAMUEL Y. NASH,
Vice President and Chairman Executive Committee,
Massachusetts Reform Club.

BOSTON, *February 27, 1912.*

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: I can not too strongly hope for and urge the passage of H. R. 20044.

Yours, sincerely,

HOWARD GUILD.

[Preamble and resolution adopted by the National Civil Service Reform League at a meeting of its council held January 27, 1912.]

Whereas it appears from an investigation made by the secretary of this league at Washington that the result of the Executive orders of June 27, 1906, and November 26, 1909, has been to confine new appointments to positions in the Consular and Diplomatic Services to persons whose qualifications are reasonably tested by examination:

Resolved, That, pending the time when the Consular and Diplomatic Services may be further improved by appointments as a result of competitive examination, the council advocates the enactment of the Sulzer bill "for the improvement of the foreign service," which would enact into statute law, and thus give stability to the existing Executive orders.

NEW YORK CITY, *February 27, 1912.*

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

DEAR SIR: I respectfully urge an early report and subsequent passage of your bill applying the merit system of appointment and tenure to all consular and diplomatic positions.

I have been an ardent advocate of civil service reform methods for over 40 years.

Respectfully, yours,

SILAS W. BURT.

NEW YORK, *February 27, 1912.*

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

DEAR SIR: I sincerely hope that your committee may find it expedient to report and urge the passage of House bill No. 20044, for the improvement of the foreign service, introduced by Mr. Sulzer.

Respectfully,

WM. G. LOW.

PHILADELPHIA, *February 27, 1912.*

COMMITTEE ON FOREIGN AFFAIRS,
House of Representatives, Washington, D. C.

GENTLEMEN: I beg leave to urge upon you the early and favorable report of the bill introduced by the Hon. Mr. Sulzer, the chairman of your committee, H. R. 20044, entitled "A bill for the improvement of the foreign service." I am convinced of the value of this bill as drawn and of the great improvement that will be effected in our foreign service if it shall be adopted.

Hoping for your favorable action, I am,

Yours, respectfully,

R. FRANCIS WOOD.

THE WASHINGTON LOAN & TRUST CO.,
Washington, D. C., February 27, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

MY DEAR MR. SULZER: I am greatly interested in House bill No. 20044, introduced by you February 13, 1912, in regard to the appointments and transfers of secretaries and consuls in the Diplomatic and Consular Service.

If the bill becomes a law, as I hope it will, the effect upon our foreign service will be, in my opinion, a great improvement, and, therefore, very desirable.

I have traveled a great deal in foreign countries during the past 15 years, and have felt many times that the appointments made in the Diplomatic and Consular Service have too frequently not secured efficient service or reflected credit upon our Nation.

Yours, very sincerely,

JNO. JOY EDSON.

CINCINNATI, March 2, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

DEAR SIR: I ask you to urge the report and passage of H. R. 20044, entitled "A bill for the improvement of foreign service." The additions made in this bill to the Lowden bill would, I believe, add to the value of the legislation. The enforcement of the Executive orders of June 27, 1906, and November 26, 1909, has, I am informed, led to marked improvement in the caliber of the men appointed to the Diplomatic and Consular Service, and the enactment of these orders into law would give stability to the system created by them.

Yours, respectfully,

C. B. WILBY.

PHILADELPHIA, February 27, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

DEAR SIR: I have had an opportunity to examine your bill for the improvement of the foreign service—H. R. 20044—and I desire to express my approval of this measure and to urge the importance of its passage as promptly as possible.

I believe the enactment of this bill will work a great improvement in our Diplomatic and Consular Service, and will, in the long run, do a great deal to establish and foster trade relations with foreign countries.

Very truly, yours,

ROBERT D. JENKS.

RICHMOND, IND., March 6, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs, House of Representatives.

GENTLEMEN: I have carefully examined the proposed bill of the House (20043) for the improvement of the foreign service, and in company, as I believe, with all those who earnestly desire the improvement of the service without reference to mere political advantage, I earnestly urge the report and passage of that bill as a measure of practical improvement which is sure to be productive of credit to our service abroad and of advantage to our commercial relations.

Yours, truly,

WM. D. FOULKE.

BOARD OF TRADE OF KANSAS CITY, Mo.,
Kansas City, Mo., March 19, 1912.

HON. WILLIAM SULZER, M. C.,
Chairman Committee on Foreign Affairs, Washington, D. C.

DEAR SIR: The following resolutions were adopted by this board of trade at a recent meeting:

Whereas in response to the growing demand on the part of the American people for the best service in all departments of national life, the President of the United States, by Executive orders, under date of June 27, 1906, and November 26, 1909, applied civil-service principles to the Diplomatic and Consular Service; and

Whereas sundry bills have been presented to Congress since 1906 for the enactment into law of the aforesaid Executive orders: Now, therefore,

The Board of Trade of Kansas City, Mo., petitions the Congress of the United States to promptly enact a law which shall provide for the application of civil-service principles to the Diplomatic and Consular Service of the United States; and

Further, That due consideration may be given the question of adequate pensions for the retired diplomatic and consular officers in order that men of high character and ability may be attracted to the responsible and honorable career of representing our country abroad and definitely adopting such service as their life work.

Yours, respectfully,

E. D. BIGELOW, *Secretary*.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
New York, April 5, 1912.

DEAR SIR: I take great pleasure in sending to you inclosed preamble and resolution adopted by the chamber of commerce at its meeting on Thursday, April 4, indorsing the Sulzer bill (H. R. 20044) for the further improvement of the Consular Service.

Yours, very truly,

SERENO S. PRATT,
Secretary.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

Whereas the Sulzer bill (H. R. 20044), entitled "A bill for the improvement of the foreign service," is in harmony with the recommendations of President Taft and of his Secretary of State, and embodies the principles advocated by this chamber during many years; and

Whereas it seeks to make permanent the great improvement already brought about in the Diplomatic and Consular Service, and to lay the foundation for further improvement in the future by giving legislative sanction to the existing executive regulations governing appointments and promotions in that service, thus increasing that efficiency necessary for the promotion of our foreign trade: Therefore be it

Resolved, That the Chamber of Commerce of the State of New York heartily indorses House bill 20044 providing for examinations to test the fitness of persons seeking appointment and promotion in certain grades of the Diplomatic and Consular Service, and urges the Representatives of this State in both branches of Congress to give to the bill their earnest support.

[Editorial from the Philadelphia Inquirer, March 14, 1912.]

TO IMPROVE THE FOREIGN SERVICE.

Representative Sulzer has introduced a bill "for the improvement of the foreign service," which responds to the requirements of the situation in view, which conforms to the recommendations of the President and the Secretary of State, and which ought without any undue delay be enacted into law. It is intended to increase and secure the efficiency of the Consular and Diplomatic Service by definitively taking it out of politics and establishing it upon a business basis. To this end it proposes that all appointments of secretaries in the Diplomatic Service and of consuls general and consuls shall be made by the President to grades instead of places, subject, of course, in every instance to the advice and consent of the Senate. To this end it directs the Secretary of State to report to the President from time to time the names of those who, on their records, deserve promotion, and also the names of such as shall upon examination have proved their fitness for appointment to the lower grades.

It provides for the organization of two examining boards, one for the diplomatic department, to consist of an Assistant Secretary of State, a representative of the Civil Service Commission, a law officer of the State Department, and of one other officer whom the Secretary of State is to name; and another for the Consular Service, to be composed of the administrator of the service, of the

chiefs of the Consular and Trade Relations Bureaus, and of one other person to be designated by the Civil Service Commission. The examinations, which are to be held at least once a year, are to be comprehensive in their scope and practical in their character. They are to be conducted with strictly impartiality and without regard to the political or other affiliations of the candidate, and their result, which must be made public, is to be certified to the Secretary of State, who will in this way be furnished with a list of persons who have in the manner prescribed demonstrated their eligibility, from which to make his recommendations.

It will be understood that the object and effect of all this will be to base appointments on fitness instead of influence; to make sure that appointees shall be qualified to discharge their duties with a maximum measure of ability; and by removing them from the hazard of arbitrary removal and conditioning their advancement exclusively on merit, to convert employment in the two services in question into a career which will attract and retain a superior class of men. There is no room for two opinions as to the great desirability of this reform. A beginning in its achievement has already been made through the spontaneous and voluntary initiative of the President and of the State Department. It has been felt that the foreign interests of the United States could only be properly protected and promoted through the instrumentality of trained men holding their offices on good behavior and assured of a promotion in accordance with their deserts; and to an important degree the principle which the Sulzer bill embodies has been successfully applied.

At present, however, the continuance of the reformed system rests entirely with the Executive, and the desideratum is to give it the sanction and the binding force of law. This will be accomplished by the passage of the present measure, and in this way the United States will secure an equipment for the development of its foreign trade comparable with that possessed by every first-class European power, an equipment which is indispensable to the acquisition by this country of its due share of business in the markets of the world.

[Editorial from the Brooklyn Eagle, March 13, 1912.]

CUSTOM SHOULD BE MADE PERMANENT.

The Eagle discharges a very agreeable duty in commending the bill recently introduced in the House of Representatives by Chairman William Sulzer, of the Committee on Foreign Affairs. The object of this measure is to give legislative sanction to methods already in force, covering appointments to the Diplomatic Service below the grades of ambassador and minister. Mr. Roosevelt and Mr. Taft have both adhered to the principle that these appointments should be made for demonstrated fitness only; that appointments should be first to grades and then to places, and that experience and good service in inferior positions should automatically assure to the incumbents promotion to superior and higher salaried positions.

What is now the custom should become a law. Until law supplants custom there is no assurance that future Presidents will feel themselves bound by the example of Mr. Taft and his predecessor. The prevailing method ignores the political affiliations of candidates, provides for the passing of prescribed examinations, and aims to make efficiency the only basis for advancement. The ultimate effect of this custom, since made permanent by law, would be to build up a diplomatic service alike creditable to the Nation, and a source of substantial advantage to merchants doing business with foreign countries, and requiring in that relation the advice of intelligent and well-trained diplomatic agents. Every great nation in the world except the United States long ago made diplomacy a profession, instead of a mere political game. The Sulzer bill would permanently raise it to the dignity of a profession and assure the filling of its places with men conspicuously qualified to fill them.

[Editorial from Harper's Weekly, March 23, 1912.]

TO IMPROVE THE FOREIGN SERVICE.

Mr. Sulzer's bill "for the improvement of the foreign service," introduced in the House on February 13, is one in which readers of the Weekly are likely to be interested, and will perhaps join us in urging upon the attention of Congress. By the reorganization act of 1906 Congress classified the posts of the

Consular Service in nine grades of consulates and six grades of consulates general, abolishing compensation by fees, substituting salaries ranging from \$2,000 to \$12,000, and provided a corps of five consular inspectors who inspect every post at intervals of two years.

This bill was good as far as it went, but made no provision for appointments to the service or tenure in office. In June, 1906, President Roosevelt, by an Executive order, promulgated regulations for admission to the consular service which have had the effect of making it a civil service in fact as well as in name. President Taft has not disturbed this order, and under it appointments to the service are now made after careful examination of the candidates. If successful, they are appointed to a class 8 or class 9 (consulate posts carrying salaries at \$2,500 and \$2,000, respectively). All vacancies in posts of higher grades are filled by promotion from the ranks. Political affiliations are not considered.

This method of manning the Consular Service has had excellent results, but it is liable to be upset at any time by Executive order, and Mr. Sulzer's bill aims to give it permanence by legislative enactment. Training and experience are very valuable in consuls, and efficient consuls are considerably and increasingly valuable to American trade. If capable men are to continue to be attracted to that service, it must be made to offer them a career as secure as is offered in the Army or the Navy. If Congress takes such action as Mr. Sulzer's bill invites, that end will be considerably furthered on its way toward attainment.

[Editorial from the Indianapolis News, March 23, 1912.]

IMPROVING OUR FOREIGN SERVICE.

A bill to improve our foreign service, introduced by Representative Sulzer, has the merit of going to the point in direct improvement of our consular and diplomatic departments. It follows in general lines recommendations made by the President and the Secretary of State. It would put all appointments of secretaries of legations, of consuls, and consul generals in grades instead of places, the President to appoint to such grades, subject to confirmation by the Senate. To this end it authorizes the Secretary of State to submit to the President from time to time the names of those who on their records deserve promotion and also such names of others who may by examination prove their fitness for appointment to the lower grades. There are to be two examining boards, one for the diplomatic department and one for the consular department. The former is to be made up of an Assistant Secretary of State, a representative of the Civil Service Commission, a law officer of the State Department, and one other officer to be named by the Secretary of State.

The examinations are to be held at least once a year, and are to be practical and comprehensive in character, strictly impartial, and with no reference to the political affiliations of the candidate. The results are to be published under certificate of the Secretary of State, who will thus give the list of those that have proved to be eligible for reappointment. The purpose throughout, of course, is to make appointments only for fitness. To insure a standard there is to be a measure of ability, while merit only shall rule, freeing the incumbent from fear of discharge except for cause. Promotions will be made on merit, thus offering a career for those ambitious in this way. That there can be any objection to such a measure is inconceivable, except it be of the old type that wants to preserve our foreign service as spoils of office.

And here the "stars in their courses" are working for the new and better way, for as our foreign trade extends and our foreign relations increase in value and importance the necessity of having proper service increases, and so there are hopes that we shall in time stand alongside of England and Germany in the efficiency of the foreign services. Meanwhile there is a beginning of the better way through the voluntary procedure of the President and the State Department. But as this rests entirely with the good will of the Executive, there is, of course, only his disposition to protect the situation. Great party pressure might at any time "rip up" the whole situation and secure these services for party rewards. There ought to be a public opinion strong enough to bring this reform to pass. And there will be as soon as the people have time to turn their attention from more exciting things. The reform has been proposed these many years, and it is in the way of realization.

[Editorial from Chicago Evening Post, March 25, 1912.]

THE SULZER FOREIGN-SERVICE BILL.

There are two bills before Congress which are intended, broadly speaking, to put the Consular and Diplomatic Service of the United States upon a civil-service basis. The bills are similar in many respects, and both of them unquestionably are intended to improve the condition of the foreign service. One of the bills, however, uses the word "shall," while the other uses the word "may," to offset reforms. "Shall" is declared by the best constitutional lawyers in Congress, Democrats and Republicans alike, to be unconstitutional, while "may" they think will stand any test of the courts.

It is not necessary to go into all the details of these two merit measures. One of them was framed by Representative Sulzer, chairman of the House Committee on Foreign Affairs. Mr. Sulzer wrote the word "may" into his bill, and it has been approved by Secretary Knox and all the officials of the State Department who make foreign service and its needs their special concern.

The Constitution of the United States gives to the President the appointment of consular and diplomatic officers. If a bill passes Congress which says that the President "shall" appoint men from the eligible list, the ensuing law would be unconstitutional. The substitution of the word "may" would meet the constitutional requirements.

It is not to be supposed that if a law were passed providing for promotions and appointments by merit and creating through proper examinations an eligible list any President of the United States would dare flout public opinion by refusing to make appointments from the list of eligibles simply because under the Constitution he thus could violate the spirit of civil-service reform, set back progress, and reward a few political favorites.

The vice president and secretary of the National Civil Service Reform League told the Foreign Affairs Committee a few days ago that the thing to do to promote the merit system in the Consular and Diplomatic Service was to pass the Sulzer bill. They said that there were insurmountable obstacles in the way of passing the other measure, which is known as the Foss bill. They expressed the belief that the Sulzer measure would accomplish what civil-service reformers have been trying to accomplish and what business men of the country have shown that they wished to have done. The Sulzer bill is approved by the State Department, by constitutional lawyers, without regard to party, and it is said to be approved by the President. This is no time to quarrel about trivialities. There is a need for a law governing appointments and promotions in the foreign service. The Sulzer bill is constitutional, and it should pass.

IMPROVEMENT OF THE FOREIGN SERVICE.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Friday, April 12, 1912.

The committee met at 10 o'clock a. m., Hon. William Sulzer (chairman) presiding.

The CHAIRMAN. We have under consideration to-day H. R. 20044, entitled "A bill for the improvement of the foreign service." Mr. Ring, representing the Chamber of Commerce of New York City, is present and will now address the committee.

STATEMENT OF MR. WELDING RING.

Mr. RING. Mr. Chairman and gentlemen of the committee, I come here as the representative of the New York Chamber of Commerce. I am chairman of the committee on foreign affairs of that chamber, and we have taken a very great interest in this bill introduced by Congressman Sulzer. At a recent meeting I introduced a resolution, which was unanimously passed, in support of the bill. There was no opposition to it, and the remarks that were made in connection with the bill when it was introduced in the chamber indicated that it was entirely satisfactory to our members, and there were no criticisms when the resolution indorsing it was introduced.

I can say for the members of the chamber that as far as I have come in contact with them, and I have discussed this matter quite extensively, that there is not one of them but realizes the necessity of making our Consular Service better than it is at present. We all admit that there has been a very great improvement in recent years, but there is still room for greater improvement. It has been my privilege and duty to travel very extensively during recent years through the Far East and also through Europe, and I have been brought in contact with quite a number of our representatives. In the larger cities, the larger ports, they have been men of character and ability, and it was a pleasure to meet them. In some of the smaller places I must say that they were not men that reflected any credit on the United States.

Mr. KENDALL. In your opinion, is that because of the inadequate compensation?

Mr. RING. I think so, very largely.

Mr. GARNER. Might I ask whether these consuls at the smaller places are men who have gone into the service in the last six or eight years?

Mr. RING. My experience antedates that slightly. It was just previous to that time that I visited Australia, New Zealand, China, and Japan.

Mr. GARNER. Isn't it possible that some of these gentlemen were consular agents, rather than men in the regular Consular Service?

Mr. RING. Some of them probably were.

Mr. GARNER. That is still the condition of affairs in various portions of the country where we have consular agents.

Mr. RING. I presume it is, and if the committee will give me permission I will relate an instance of what occurred in New Zealand. On the steamer from San Francisco to Auckland, New Zealand, was a captain of an American bark. This bark sailed from New York, and the captain in charge died and this new captain was sent out. The vessel was going to Auckland, New Zealand; Wellington, and Lyttelton. When the captain arrived at New Zealand he went direct to Lyttelton, where the vessel was at that time, and I stayed over in Auckland and then followed down the coast. When I reached Christ Church (Lyttelton) I found the captain in very great distress. The mate had taken charge of the vessel and, in league with some one who was our consular agent—not an American—in Christ Church, had taken possession of this vessel and was piling up bills very heavily. The captain demanded that the vessel be turned over to him, but the consular agent declined to do so, saying he had no authority to recognize anything in connection with the new captain. The consul had his headquarters at Auckland at the time, but was in Dunedin. I went to Dunedin and found him sick in bed. I related the conditions and circumstances to him, and he said he was sorry, but he did not have the physical strength to take the matter up.

I asked him if he would let me write out a telegram and send it to the consular agent. He said, "Yes; send anything you need to get the vessel out of the hole." I wrote a very strong message demanding that the consular agent should immediately turn the vessel over to the new captain on pain of dismissal from his post. I asked the consul if I should sign that message for him, and he said, "Yes." I sent it out, with the result that the vessel was immediately turned over to the captain. That was the condition of affairs where there were men entirely incapable of knowing the difference between right and wrong—at least who did not recognize the difference between right and wrong—acting for the United States and practically robbing that vessel. Whether that consular agent was continued in office or not I do not know. I know that we got the vessel out and it was brought back to the United States, and I received a very warm letter of commendation from the owners in Boston for the action I had taken.

Mr. GARNER. This bill, however, would not remedy such a situation as that.

Mr. RING. I do not presume it would if it did not affect consular agents.

Mr. GARNER. The only remedy you would have for that situation would be to amend the consular law and put regular consuls at each one of these points where there are consular agents now.

Mr. RING. I would have every representative of the United States be an American and be held strictly accountable to the department for whatever he may do. Even in some of the larger places I have gone into the offices of our consuls and I must say I was not very well pleased with the general service, and I found there was a disposition among the representatives of other governments to practically ignore the representatives of the United States. When they were

spoken of it was rather in a manner that would indicate, "He don't amount to anything," and they did not seem to care to consult him very much.

Mr. GARNER. What are we going to do in such a case as I have in mind now? There is a consular agent in Mexico, who is a citizen of Texas, I think, and who is said to be wholly incompetent. He has been in the service for some 20 years, I think, and has no property, apparently. Are we going to turn him out of the service?

Mr. RING. I presume there are cases that will be very difficult to manage or arrange. There are bound to be until we get under a good working arrangement, but if this bill passes, as I understand it, it places our foreign service under the control of the civil service, which will make provisions for men to enter and who will have to qualify for the positions they expect to occupy. It will mean, after they have entered the service, if they properly apply themselves, that in the course of time there will be advancement from one post to another and it will be an incentive to improve. Also one object of it is to correct one of the things that has existed for so many years, making the tenure of office so uncertain.

Mr. KENDALL. That condition does not exist now, does it?

Mr. RING. No; not to the same extent that it has in former years, but it does exist somewhat. You know, probably, as well as I do, that a man feels that he must, in a way, have the indorsement of his Congressman or of his Senator.

Mr. KENDALL. To enter the service you mean?

Mr. RING. Yes.

Mr. KENDALL. Wouldn't he require that same indorsement under the provisions of this bill?

Mr. RING. I should hardly think so.

Mr. KENDALL. How would the man commend himself to the Executive to be designated as a suitable person to take the examination?

Mr. RING. Let anyone apply for the examination that desires to and take it under the civil-service rules, and if he passes he immediately becomes a candidate for any position.

Mr. GARNER. Under this bill he would not have the right. No one can take the examination under this bill except he be designated by the Secretary of State. One of the brightest men in New York might wish to come down here and stand the examination, but he would be told that he couldn't stand for examination unless he got the designation of the Secretary of State. Now, the Secretary of State would say, "Well, if you will get Mr. Payne's indorsement or Senator Root's indorsement or Senator O'Gorman's indorsement, I will designate you." And if you are unknown they will not consider you.

Mr. RING. I think that principle is wrong.

Mr. GARNER. That is the result of this bill.

Mr. KENDALL. Section 2 says in this language:

That the Secretary of State be directed to report from time to time to the President along with his recommendations for promotion, or for transfer between the department and the foreign service, the names of those secretaries in the Diplomatic Service and the names of those consular officers or departmental officers or employees who, by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the service.

Mr. RING. Where is there in that anything to prevent anyone from applying?

Mr. KENDALL. The Secretary is to make these recommendations to the President—designate certain men to the President whom he thinks fit to be considered for these places.

Mr. LEGARE. It is left entirely with the Secretary of State.

The CHAIRMAN. These are the men who have passed the examination or are now in the service. Under section 4 "the board of examiners for the diplomatic service shall be composed of" so and so. I will read the entire section:

That the board of examiners for the Diplomatic Service shall be composed of an Assistant Secretary of State, the chief examiner of the Civil Service Commission or such other officer as that commission shall designate, a law officer of the Department of State, and one other officer to be designated by the Secretary of State. The board of examiners for the Consular Service shall be composed of the officers charged with the administration of the Consular Service, the chief of the Consular Bureau, the chief of the Bureau of Trade Relations, and the chief examiner of the Civil Service Commission or such other officer as that commission shall designate.

There is nothing in my bill that will prevent any person taking these examinations. One examination has just been held, and a number of applicants, designated by nobody, filed their applications and were notified to come to Washington and appear before this commission in the State Department to pass the examination. If they pass and are well qualified their names will be placed on the eligible list.

Mr. GARNER. I will undertake to say, to controvert that statement, that there is not a man who has taken that examination that did not have the indorsement of some one.

The CHAIRMAN. I know of one man who had no indorsement. His name is Hiatt. He came to me after he took the examination; he was not recommended, but went there of his own volition.

Mr. GARNER. He was designated, then, to take the examination without any recommendation whatever?

The CHAIRMAN. Yes. Any citizen can take the examination who makes application.

Mr. GARNER. Under the present rules?

The CHAIRMAN. Yes.

Mr. GARNER. That is not what the Secretary of State said when he was before the committee. I will call him over the telephone and ask him.

Mr. KENDALL. My understanding has been that these examinations were taken by men who had been suggested by the President of the United States. Is that your understanding?

Mr. LEGARE. Yes.

Mr. RING. I do not know what understanding there may be about this bill.

Mr. KENDALL. I am frank to say that under the provisions of this bill anybody could make his application and take the examination.

The CHAIRMAN. Yes. That is at it should be.

Mr. LEGARE. I had a great fight to get a fellow designated to take the examination not long ago.

Mr. KENDALL. I do not like any arrangement or any system which limits the opportunities of young men to enter any department of the

Government to the humor or caprice or peccadillo of Members of Congress or anyone else. If he has got character, capacity, equipment, and aptitude for the service, he ought to have an opportunity to demonstrate it, I think, no matter whether I like him or do not like him, if he happens to live in my district.

Mr. RING. There is another point in connection with that. Applicants for positions heretofore, knowing that certain merchants were in business and knowing that they had certain influence abroad or at home, have come to us and said, "Now, I have the indorsement of my Senator and Congressman, but I want something from you as a merchant to show that I am a proper person to take that examination; I want your influence." I had that same experience with a personal friend of mine from Virginia, a man whom I think a great deal of, but who was entirely unfitted for that position. He was sent to a point in Europe, and it was only a very brief time until they had to dismiss him. When he started out to get this position he came to me as a friend and said I must help him. I had to indorse him and say what I knew in his favor and nothing against him. Under this bill, as I take it, no merchant will be called upon to give any recommendation. The man will have to stand on his own fitness and ability. If he passes the written and oral examinations and is fitted for the position, he gets the appointment.

Mr. HARRISON. How are they going to ascertain the character of the man if they do not inquire of his friends and acquaintances as to his special fitness and character?

Mr. RING. That is true; but at the same time you probably know that no personal friend would ever say anything against an applicant.

Mr. HARRISON. Don't you think any investigation ought to be made where the man lives, as to his character, before he is appointed?

Mr. RING. I think it would be desirable.

Mr. HARRISON. Don't you think it would be necessary?

Mr. RING. You probably would not get anything derogatory from his personal friends.

Mr. HARRISON. Not necessarily an investigation among his friends, but among his acquaintances where he lived, among the people who know him.

Mr. RING. You probably realize that a man's neighbors and friends are not going to say anything derogatory about him if he is trying to get a position.

Mr. HARRISON. They are the only people that know about his character.

Mr. RING. That is true; but I think you have got to determine very largely from your own judgment and this examination.

The CHAIRMAN. That is so now in the civil service, is it not? Inquiries are made, and properly so.

Mr. RING. Yes.

Mr. HARRISON. Your idea is that they would still make inquiries as to the character of the man, not especially from the Congressman or Senator, but from people in the locality who know him?

The CHAIRMAN. There is no doubt of it. Mr. Carr testified as to that when he was before the committee and so did Mr. Wilson.

Mr. HARRISON. I think that would be necessary.

Mr. RING. The Consular Service is one of the greatest means for the development of our foreign trade. We fully recognize that the world over. Some of them do not represent us very well, and others do represent us to very great advantage. And the better class of people we have all over the world, the greater the benefit will be to the commerce of the country.

Mr. KENDALL. I suppose the salaries paid abroad are nearly all below the salaries paid by nations of anything like our power and wealth, aren't they?

Mr. RING. I take it they are. My general impression is that the salaries paid are too small to induce anyone of ability or character to accept a position. Now, for instance, take a position that only pays \$1,000 a year, as I understand some of them do. That is not much inducement to a man of ability to take a position of that kind, and he would only take it as a side issue. He could not live on it. We ought to pay them a fair living salary, and when they are changed from one post to another it is no more than fair that the Government should pay their cost of transportation. They can't afford to pay it themselves.

Mr. JONES. I can answer that question if you want me to. My name is E. Clarence Jones, president of the American Embassy Association. I happen to have with me a letter dated from a port in France—I would rather not mention the consul's name—that touches on that subject of salaries. [Reading:]

Three years ago I was the consul at La Rochelle. The salary for this position is \$2,500. The British consul receives \$4,500, the Chilean consul \$5,000.

We don't even pay as much as the Chilean Government does.

Mr. KENDALL. What is the volume of trade of the respective countries?

Mr. JONES. I don't know.

Mr. RING. You can readily understand that the trade between the United States and La Rochelle would be greater than that of Chile.

Mr. KENDALL. Well, of course, we don't know that.

The CHAIRMAN. The consulate has been removed from La Rochelle to another place about 25 miles away. I am trying to have the consulate moved back to La Rochelle. The matter is pending in the State Department.

Mr. RING. I think the desirable thing is to get this whole business on the basis of a profession. Then the young man who enters it can do so with the expectation that it is a life work for him, and there is a constant incentive to improve. Where there is no incentive of anything in the future, no man with any ability is apt to take a position of that kind.

Mr. KENDALL. On the theory that his tenure of office would be determined by the administration.

Mr. RING. Yes.

Mr. KENDALL. I think every one on the committee will sympathize with the movement to make these places permanent.

Mr. LEGARE. I see nothing in this bill which prevents anyone from taking the examination, but I see nothing in here that prevents the Secretary of State or some one in authority from taking the position that only those who were designated can take the examination. As I

understand it now the Secretary of State or the President must designate certain men to take the examination.

Mr. GARNER. I have just talked to Mr. Carr over the telephone in order that I might confirm my own belief and my own experience in this matter. I went over the matter with him and he told me that no one, so far as he knew—and he is the head of the Consular Service and a member of the board—that no one is permitted to take the examination, or rather, no one is designated to take the examination, except those who are indorsed or identified by some responsible party or parties, except clerks in the State Department where the board has personal cognizance of their qualifications. In other words, Bill Jones, from the State of Texas, who appeared at the board on the morning of the examination with the statement, "I came here for the purpose of taking the examination," would not have the right to take it. Neither, in my judgment, would he have the right under this bill to take this examination except he be given an indorsement or identification by some responsible party who knows him.

Mr. KENDALL. That might be the interpretation that the board would put upon this bill, but I think it would be entirely unwarranted.

Mr. GARNER. I agree that it would be unwarranted, but they are trying to put into law now the present Executive order. I know that there were several gentlemen who took the examination this time and came to me for indorsements. They also went to the Senators from Texas to get letters from them stating that they were men of character and standing. The President can, with the consent of the Senate, appoint men to the Consular Service, because they must confirm consuls. But after they stand this examination the highest man, the most worthy man, has no absolute assurance that he will receive an appointment. One hundred men may stand the examination and 100 may pass, but under this bill the Secretary of State may see proper to certify to the President only 25 of them, and that 25 might be those who did not pass as good an examination as the others. That is the effect of this bill, because no man can be appointed under this bill except he be suggested by the Secretary of State to the President for appointment.

Mr. RING. I think the Secretary of State would go a long way if he attempted to pick out 25 men out of 100, a certain 25, to designate to the President.

Mr. GARNER. I agree with you on that. It is presuming on the patriotism of the President to think that he would not select the best men for the Consular Service.

The CHAIRMAN. If there is any doubt as to this bill giving any citizen in the country the opportunity to take these examinations, I am perfectly willing to amend the bill to make it so clear and so certain that there will be no doubt about it.

Mr. KENDALL. A little amendment at the top of page 2 would cure that difficulty, and I think it ought to be written into the law that these men who have the highest grades should be appointed. There is no reference to that at all.

Mr. BARTHOLDT. Make it between three. For instance, if there are three highest, they might be certified and the President would then have the discretion of taking any one of the three. If the President

were a Republican, he would pick a Republican; if he were a Democrat, he would pick a Democrat, of course. I have no fault to find with that.

Mr. GARNER. That is not only human nature, of course, but it is natural to suppose that we will do in the future as we have in the past.

Mr. RING. It was the understanding in the chamber of commerce when the bill was taken up in the committee that the positions were open to anyone that wanted to take the examination, and that there was no favoritism of any kind; that it did not matter whether a man came with strong recommendations or without any recommendations, as long as he was able to pass the examination he would stand the same chance for appointment that anyone else would.

The CHAIRMAN. That is my view of the matter, and that is the purpose of this bill.

Mr. KENDALL. This could be done by inserting an amendment in line 11, page 3, "and upon their conclusion the boards of examiners shall certify in writing to the Secretary of State the names of those persons who may have been found to be, in their judgment," together with their report of the examination, or something of that sort.

The CHAIRMAN. You can make it stronger. It can not be made too strong and too clear for me in that regard. I want to make it thoroughly democratic, speaking in the generic sense of the term, so that everybody shall have a fair chance without fear or favor. I want to take the foreign service out of the spoils system in so far as I can.

Mr. KENDALL. If this Executive order amounts to anything, it is out of the spoils system now.

The CHAIRMAN. That is one reason why I want to put a law behind the Executive orders.

Mr. GARNER. If you should pass section 3 of this bill, give to the House a favorable report on section 3, the diplomatic secretary would be in the same condition that the consuls are now. Under the Executive order they would take their examinations and go right along, but under this law it would be merely advisory to the President and could in no way bind him, because the Constitution gives the President the right to appoint. As I understand it, the advantages of this law are that public sentiment may be so strong that the President would not dare to override the wish of the people as expressed through Congress. That is the President's prerogative if he cares to use it.

The CHAIRMAN. Mr. Garner has stated the matter in a few words, and that is the purpose of this bill.

Mr. KENDALL. Of course you can not always depend on public sentiment to control the action of the Executive. There has been a tremendous agitation all over the country as to the gag rule in regard to Government employees, and I saw last night that it had been abolished. In my opinion the Executive order issued yesterday or the day before amounts to absolutely nothing, because the employee, if he has a grievance, may transmit it to his Congressman by sending it through his superior officer.

Mr. LEGARE. Whose favor he seeks at all times.

The CHAIRMAN. That order does not cure the evil. It makes it worse.

Mr. KENDALL. That is the way Mr. Stuart said before the committee not long ago it was done—that a man could make complaint now if he did it through his superior officer.

Mr. CLINE. I would like to ask you, Mr. Garner, if you do not think the second section is giving the Secretary an undue degree of latitude, in lines 14 and 15, on pages 1 and 2, where it says, "have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the service." The word "fitness"; what does that cover there?

Mr. GARNER. The idea of this bill is that Congress will give its approval to an advisory measure having for its purpose the selection of secretaries and consuls under civil-service rules. At the same time the bill reserves to the Secretary of State the right to select from this vast number that might take the examination such persons as he may think best qualified—assuming that he would select the best qualified—but he might look over them and see five or six red-headed ones, and he might be partial to red-headed people, and say, "I am going to recommend these six fellows to the President for his selection, but I am going to leave out all these bald-headed fellows and black-headed fellows, because they don't suit my fancy." Nothing on the part of Congress would be so unwise as to undertake to bind the President in his constitutional right by passing a purely advisory measure. I think it would be wholly improper to undertake to tell the President what he should do in his constitutional right. Now, you can not put any law on the statute books, where the President has the constitutional right to appoint a man, that can absolutely say that the most efficient man shall have the appointment. If you could, I would vote for it. I would advocate it because I believe in it; but when you can't do it, I am opposed to any effort which is bound to be, in its workings, a farce.

Mr. CLINE. If we are going to do anything at all, let us take away the opportunity for the Secretary to make just that kind of an improper selection.

Mr. RING. I would like to except to your remarks in regard to fitness. If you apply to the Diplomatic Service the same rule that would regulate a merchant, you would say that if a merchant wants to send somebody to South America to do business for him he very naturally selects some one who is familiar with conditions there and who could speak the Spanish language. Otherwise he is at a great disadvantage. If he wants some one to go to France, he gets some one that can speak French. If he wants some one to go to Germany, he gets some one who can speak the German language.

The CHAIRMAN. You believe there should be the same rule in the State Department?

Mr. RING. Yes. Now, to send a man to a country where he did not understand the language and knew nothing about the customs or trade, the wants of the trade that will use his goods, or has no knowledge of the language of the country, would be very unwise, because he has to learn the business all from the start.

Mr. GARNER. Hasn't the Secretary of State now the unlimited right to select consuls?

Mr. RING. I couldn't answer that question.

Mr. GARNER. The Constitution gives the President the right to appoint anyone, with the consent of the Senate.

The CHAIRMAN. There is no question about the constitutional right of the President, but we are trying to put upon the statute books a law that will help the President to appoint the very best men he can find. That is the object of my bill.

Mr. RING. I have nothing further to add on that point, except I think the men who are selected for the posts should have a fair knowledge of the language which they are to speak, and also a fair knowledge of the conditions there, the business, and shipping matters. A knowledge of such things would be most desirable, and when the Secretary of State with a list before him finds on looking over the qualifications that here is a man who speaks Spanish, he knows something about Spanish-American countries, knows the conditions of shipping, naturally he would be a very desirable man to send to the South American countries. If he should find a man who has merely a good academic education and who can perhaps speak one or two languages but knows nothing about trade conditions, he would be a very undesirable man to send. I think the Government wants its business carried out practically along the same lines that the merchant does.

Mr. BARTHOLDT. Is it your idea that the appointing power should not be restricted to one or two or three men? For instance, there is a vacancy in France, and the Secretary of State is called upon to fill that vacancy, and the only men on the list of three are men who can not speak French. It would not be advisable to take one of the three, but to take some one who could speak the French language.

Mr. RING. Personally, I should prefer leaving that matter entirely with the Secretary of State. I think public opinion would naturally be so strong that no Secretary would send the wrong party.

The CHAIRMAN. There is no question but what this bill of mine will provide a much better system for the improvement of the foreign service than the old system.

Mr. RING. Undoubtedly.

Mr. CLINE. Do you think, Mr. Bartholdt, that there is any possibility of a man seeking a position in France when he could not speak the French language?

Mr. BARTHOLDT. Yes; I do.

Mr. JONES. Our new ambassador to France does not speak the French language.

Mr. CLINE. That was under a condition where politics played a very important part, more so than it does now.

The CHAIRMAN. This bill of mine, of course, has nothing to do with the appointment of ministers or ambassadors. It simply extends the present law regarding consuls to secretaries of embassies and legations.

Mr. HARRISON. What provision is there in this bill that gives the Secretary the right to investigate the character of applicants?

The CHAIRMAN. Section 4, I think, would cover that. If you think, however, that it does not go far enough I will be glad to have you submit an amendment when we take the bill up.

Mr. RING. The New York Chamber of Commerce unanimously indorses this bill and believes it would be a very great advance in the Consular Service.

The CHAIRMAN. We are very much obliged to you, Mr. Ring, for coming from New York to give us your statement. Mr. E. Clarence Jones, of New York, will now be heard.

STATEMENT OF E. CLARENCE JONES, NEW YORK CITY, PRESIDENT OF THE AMERICAN EMBASSY ASSOCIATION.

Mr. JONES. Mr. Chairman and gentlemen, there is no question in the minds of everyone, or in the opinion of our organization at least, that the merit system is the only system that should obtain and the only system under which our commercial interests will be properly looked after.

We receive letters from all over the world, and in coming over I have selected a few of those recently received on this subject. They are fresh from our representatives, they show how a man on the ground feels, and I think they will prove interesting reading.

I will read you extracts from a letter from a Chinese post:

I note that the scope of your activity is to be extended, and I hope that some attention will be given to the question of placing the Consular Service upon a merit basis. I am very sure that the efficiency of this branch of the Government will be greatly increased as soon as a law is passed which will provide for the appointment of only those persons who have passed an examination in commercial and other subjects and which will assure those who have already passed such an examination that their services will be retained as long as they maintain a high standard. There are many desirable men who would join a permanent Consular Service and many valuable men who have resigned our service because they could see in it no promising future.

Now, that is typical of the letters we receive, and the man on the spot best knows the situation.

The merit system, as outlined in Congressman Sulzer's bill 20044, is unquestionably the only system under which to obtain efficiency.

Mr. GARNER. Now, you do not want to ask Congress to provide a law wherein a man will have a right to continue holding office; that the President of the United States can not remove him any day and substitute some one else for him. Congress has no such power. If they had that power I would support this bill; but Congress does not have it.

Mr. JONES. Frequently suggestions are made, Mr. Garner, that after a certain length of service a pension should be allowed on retirement. This promotes efficiency, generally speaking, and I hope you do not think that I come here as an amateur to endeavor to instruct you gentlemen as professionals, but merely to advocate this bill, and the bill is unquestionably a most desirable one.

I have here a letter from one of our foreign representatives, who has been in the service for many years:

My first appointment was to ———, a distance of 11,000 miles by the shortest traveled route; my salary, at the start, was \$3,500 per year. My traveling and incidental expenses for my wife and self in reaching the post were \$1,000, for which I received no compensation from the Government. In late years the consul is allowed 5 cents a mile for traveling expenses for himself, but nothing for his family.

Upon reaching my post in Africa, I found that my predecessor had disgraced the Government through his dishonorable conduct, brought on principally for want of sufficient salary to provide for his needs, and the representative stationed there now is still helping to live down the reputation of the one who went wrong. That same reputation was formerly enjoyed in every post in South Africa by the American representatives, due to the niggardly policy of the Government, but the atmosphere has been cleared up to some extent in late years.

I took up my work in that country soon after the close of the Boer war, when there was an influx of population and rents soared high. I paid \$125 per month for my house; I purchased furniture at ridiculously extreme prices. As an illustration of the actual cost of living, I may tell you that eggs never sold below 75 cents, and often went to \$1.25, and other items for the table in comparison. This state of affairs continued for three years or more, and then there came a turn for the better through the exodus of the crowds that emigrated to the country, but rents remained at extraordinary figures. Other countries understood conditions and made provisions for their consuls, the Germans paying \$10,000, the Austrians the same, and the French \$12,500. In 1907 my salary was raised to \$5,000 per year, but you can readily understand that one could not get along on such meager pay.

But I now come to the most unpleasant feature of my story. One day I received a cablegram that I had been transferred to Japan, and be prepared to leave in 12 days. That meant that my furniture, purchased at extremely high rates, must be sold at auction; the result was a loss of nearly \$1,000, for which I received no recompense from the Government.

Again, the question of traveling from one post to another came to me most emphatically. The distance from South Africa to Japan is 11,000 miles by steamer. I received \$550, the amount allowed at the rate of 5 cents per mile, but my actual expenses for my wife and self amounted to \$1,200, so that the change from Africa to Japan cost me in the neighborhood of \$1,600, and my salary remained the same.

In Japan there was a repetition of the experience in Africa. A home had to be secured and furnished, which again was a costly proposition. I remained there nearly a year, when I went home on leave and, during my absence, was transferred to this post. The story of the sale of furniture at a loss need not be repeated.

In ——— I found the same conditions. No home for the consul and no furniture, so that I have had to go through the same experience.

My case illustrates that of nearly every consul who remains any time in the service, and who wishes to live respectably and be respected.

Germany and England arrange always for the removal of a consul and his family, and if he is forced to sell his furniture, he is paid the difference between the cost and selling price by the Government; but in most cases homes are provided for them, so that when they are transferred from one post to another no expense need be incurred for furniture nor for rent, which, in most foreign countries, is an item to be reckoned with.

In the Orient, as an illustration, the Germans, British, and French have magnificent consular buildings, which create a suggestion in the minds of the people that these countries are far in advance of America; and quite right they are, too. External appearances count for much with foreigners; consular quarters would do much good, furthermore, in wiping out the prejudice that exists in the minds of other peoples against the American consul who has been stigmatized through the conduct in former years of those who were appointed by political favor. Our service is nearly self-supporting, and the additional cost would be insignificant.

Now, gentlemen, the merit system, if it is established—and it certainly will be ultimately—will do much to alleviate all these troubles. Men will be sent to posts that they are competent to fill, and will be retained as long as they show efficiency, and the commercial interests of the country will be very much benefited thereby.

I beg to read from yet another letter:

I need not go over the miserable story of the past history of this port—of how one consular officer, his wife, and family were forced to live in two rooms in the local hotel, because there was nothing more to be had—one room for office and one for residence; of the trials of a consul in securing a respectable house; of that house when secured; its inadequacy; its inconveniences; its lack of all the modern conveniences; absolutely all.

Out here in the East the question of trade supremacy is getting hotter every year. America is now attaining that stage of economic growth when foreign trade becomes desirable and necessary. Heretofore domestic needs have kept our manufacturers busy, except in a few lines where phenomenal development required trade abroad far in advance of the general manufacturing business. But now questions are being decided that are momentous to us. Will China's

standard railways be after the American style or the British or German? Will China use American or Japanese cotton; American or Russian flour? These are but a few items. The clannishness and conservatism of the Chinaman emphasizes them.

"Face" is all important. A Chinaman will, as a rule, give his life to save his "face." It seems as though every nation realized this fundamental truth save we "cute" Yankees, for nothing gives "face" of a substantial order quicker or better than good houses for a Government's representatives. Just think of the idea of solidity, of fixed substantiality to the end of time implied by solid British consular buildings. The British Government will not build until security of tenure is guaranteed.

The best way to make Chinese coolies work is to put a stout gentleman to oversee their work. Corrupency implies prosperity to the Chinaman and what applies to the Chinaman applies in a greater or less degree to all orientals.

What is the use of being the greatest Republic the world ever saw when the representatives of the said Republic, the men who are expected to have influence, live in second or third class quarters among a people any one of whom might have "come from Missouri?"

Our organization has passed a resolution strongly indorsing this bill and we are heart and soul for it and shall do everything we can to assist in its passage.

The American Embassy Association was started on purely altruistic lines three years ago with 18 men, who constitute our executive committee. We have now an affiliated membership of several hundred thousand, scattered all over the United States.

Five hundred of the leading commercial organizations have indorsed and are affiliated with us in our work.

Our entire work is devoted to the improvement of the foreign commerce of this country and we believe that the way to best extend our foreign commerce is not only to have permanent locations for our representatives that they can support on their pay, but to install a merit system where efficiency will meet with its just reward.

I have felt that I could best illustrate the needs for the passage of this bill by reading these few letter extracts, which, in a way, are confidential, so I prefer, as you will readily understand, not to mention any names.

I trust that this bill will be enacted into law.

I thank you for your attention to my remarks.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, April 24, 1912.

The committee proceeded to the consideration of H. R. 20044, a bill for the improvement of the foreign service.

The CHAIRMAN. We will hear Hon. Henry White, former ambassador to France, on H. R. 20044, a bill for the improvement of the foreign service.

STATEMENT OF HON. HENRY WHITE.

Mr. WHITE. Mr. Chairman, as your time is pressing, I think I may say with regard to your bill what the Secretary of State has said in a memorandum which the chairman has just shown me, and also the statement in this paper headed "American Diplomatic and Consular Service: Its perpetuation and improvement." I agree that the bill does carry out all the statements in that paper, and I think it is of the highest importance that the service should be classified in the way that is set forth in the bill. I have never been able to see any reason why the secretaries of embassies and consuls should not be put in certain classes, just as the officers of the Army and Navy are.

I have many times in my life seen serious inconvenience arise from the fact that a secretary or a consul could not be transferred from one post to another. Sometimes there is great pressure of work and sometimes very little; a consul never can tell when he has got to do his work. It is very desirable that the Secretary of State should be able to transfer, immediately and without asking the Senate, a secretary for a short time.

Mr. COOPER. Under present conditions are transfers impossible?

Mr. WHITE. Practically impossible. The secretary may be told to go for a short while, but he can not draw the salary at the post to which he is transferred, and he practically can not become part of the embassy. There is great hesitation on the part of the State Department to make any of those transfers under those circumstances.

Mr. GARNER. Mr. Ambassador, would not section 3 of this bill classify the service?

Mr. WHITE. I think it does classify it; yes, it does.

Mr. GARNER. Would section 3 remedy the situation you have just spoken of?

Mr. WHITE. Yes; I think so. I think that seems to cover it.

Mr. GARNER. So, if section 3 would become a law it would remedy the evils you speak of?

Mr. WHITE. I think so. There is always the difficulty that the President shall appoint ambassadors. I do not suppose any President would ever hesitate to carry out the provisions of the bill.

Mr. GARNER. The complaint you make is remedied in section 3 of this bill?

Mr. WHITE. That is the way it seems to me.

Mr. GARNER. And if you would leave out of the bill all the other sections it would remedy the situation that you suggest?

Mr. WHITE. So it would seem to me.

Mr. GARNER. Do you mean to say the provision for the examinations is more desirable than to have the service classified?

Mr. WHITE. I should say they should go together, but of the two it is more desirable to have the examinations. I was 28 years in the Diplomatic Service and have been through all the grades, and I think I am the only American living of whom that can be said; and nothing can be more unfortunate than sending a man abroad knowing practically nothing. I was precipitated into a sugar conference in London knowing practically nothing about commercial questions—

Mr. CLINE. I do not see how you came to be appointed.

Mr. WHITE. They appointed people that way in those days.

Mr. COOPER. With no examination at all?

Mr. WHITE. None at all. I found myself asked by President Arthur, being abroad, to accept the secretaryship.

-The CHAIRMAN. Mr. White, you desired also to say a few words about the other bill for purchase of embassies abroad?

Mr. WHITE. Precisely. That is a bill of even more importance than the other. I found in France, where I went to improve my knowledge of the French language, all the great powers of the world represented by houses which everybody could see, and I inquired naturally for our own, and nobody knew it. After a great amount of search I found it up three flights of stairs over a corner grocery store. That is a fact.

The point will be conceded, I think, that we should have control of the house, as all other important countries do, the house in which our archives are kept and the business of our country is performed abroad. Under present conditions that can not be, because when premises are hired they are under the control of a porter, who is usually not in the employ of the ambassador or minister, but very often has affiliations with the country of which he is a citizen. As a result of one such case I remember our cipher was stolen in St. Petersburg, and we had, at great expense, to create a new one. It is also very desirable that the ambassador or minister should arrive at his post and be able to transact business immediately. It should not be a hotel, as it was in my own case in Paris, until I could get a decent house.

It is also very undesirable that the location of embassies and legations should be changed; they ought to be as well known as the public buildings of the countries themselves. There is another thing. The unfortunate man who goes to hire a house does not know what his salary is worth. In some places he has to pay a great deal of money and in other countries they are comparatively cheap. You are also told the ambassador should remain aloof from any dealings with the people of the country. Why, the very first thing he does is to begin negotiating for a house.

Mr. GARNER. You are speaking in regard to the bill with reference to the purchase of embassies abroad?

Mr. WHITE. Yes.

Mr. GARNER. I do not think there are 5 per cent of the Members of Congress but what are in favor of that measure.

Mr. WHITE. Then I need not take up your time with it.

Mr. GARNER. I feel sure from the expressions I hear on both sides of the House that there is very little opposition.

The CHAIRMAN. I trust it will soon be reported and passed. Mr. Ambassador, we are obliged to you.

We will now hear Mr. Campbell, who represents the Chamber of Commerce of Cincinnati, on the bill for the improvement of the foreign service.

STATEMENT OF MR. W. B. CAMPBELL, REPRESENTING THE CHAMBER OF COMMERCE OF CINCINNATI, OHIO.

Mr. CAMPBELL. Mr. Chairman and gentlemen, in addition to representing the Chamber of Commerce of Cincinnati, I am also representing the American Manufacturers' Export Association, of which I have the honor to be president. I do not want to take up much of your time, because in reading over the past hearings on this bill I find that nearly everything I could say in favor of it has already been said. I simply come here to represent those two bodies, and to say that we approve of this bill, as we have already shown by resolutions which I have placed in your chairman's hands, and that we urged upon you the necessity for its early passage.

This bill is peculiar in that it does not carry any money with it. In addition to that it is not anything new or untried as I understand it. In fact, the examination has been required now for a period of eight years, and the results must be apparent to any man

who, like myself, has had 10 years' experience as a foreign commercial salesman.

I often thought when I first went abroad that the way the Consular Service was held by myself as a traveler and by other travelers was best exemplified by that old comic opera, "The Yankee Consul," and while that was grossly exaggerated, nevertheless it showed the spirit of the service—a man absolutely valueless, who said he was sent out by his relations and who admitted when he was appointed that he did not know where the place was. He said that there was a widow down there worth half a million, and that if things went right he could make some money. When asked how much, he replied, "Half a million." [Laughter.]

That was, I say, grossly exaggerated, but nevertheless it was the spirit of the service. I am going to take as an example of the present conditions of the service the legitimate successor of that man. That man was supposed to be representing the United States in Puerto Plata, San Domingo. The last one I knew from here was Arthur M. Totten, one of the employees who passed the examination—a young southern man from Nashville, Tenn., in every way a gentleman, educated; he had a college education and, I think, was a graduate from law school. He spoke Spanish perfectly, and was an ornament to any service. That is only one case. I could spend hours here giving you personal experiences of the way the Consular Service is held abroad to-day, and simply because the people know they are good men—they are selected men—and that we are sending out the right people to represent us.

In addition to that, this bill is an economy. I read some time ago in our great journal of information, the Saturday Evening Post, that the German Government has spent more money in their consular office than we spend in our Department of Commerce and Labor, which I do not think is to the credit of the German Government. If we send out the right men, it is an economy.

Mr. GARNER. They tell us that the German and English Governments are now imitating our mode of selecting consuls, and that we have the best consular service existing.

Mr. CAMPBELL. I agree with that absolutely.

Mr. GARNER. Why isn't it satisfactory, then?

Mr. CAMPBELL. We are simply trying in this bill to make permanent what the experience of the past seven years has shown to be advisable.

Mr. GARNER. Why are you afraid of the future?

Mr. CAMPBELL. I will tell you the main reason why I think this bill should be passed. We are in the middle of a period of great enthusiasm over the growth of our export business. The reason for that is not hard to find. We have been in the middle of a depression at home. Right now I do not believe it would be possible to appoint unworthy men, but the reason for that is that the merchants of the United States—my own association, the National Association of Manufacturers—watch carefully every point. But when we come to the time again, which I hope we are coming to, of great prosperity at home—when it is almost impossible to bring our manufacturers and merchants to a great interest in the export trade—wouldn't it be better to have this thing well understood than to have the appointments made as they were made 10 or 15 years ago?

Mr. CLINE. Isn't our export trade to-day greater than it has ever been?

Mr. CAMPBELL. Certainly.

Mr. CLINE. And there is no tendency for it to decrease?

Mr. CAMPBELL. Well, of course, as the American production grows and our methods grow, lots of our products naturally find a place in the world, but there is no doubt but what the great increase in the manufactured products in the last few years has been the result of great interest on the part of American manufacturers on account of depression at home.

The CHAIRMAN. Many thanks, Mr. Campbell.

STATEMENT OF HON. PHILANDER C. KNOX, SECRETARY OF STATE.

Mr. KNOX. Mr. Chairman and gentlemen: In general, this bill is in harmony with the disposition manifest throughout the country to improve the machinery of government and raise the standard of efficiency on the part of officers and employees. Specifically, it is responsive to a strong public opinion and an insistent demand upon the part of commercial organizations and business men that the American Diplomatic and Consular Service shall be brought to the highest practicable standard of efficiency. A great deal has been done by Executive order to provide a system by which the qualifications of candidates for appointment to the foreign service shall be tested by thorough and impartial examination, but there is much more to be done if we are to reap the full benefits of the reform already accomplished.

This bill goes much further than merely to give legislative approval to the result already brought about by the Executive. My views upon the advantages of the bill have already been so fully explained by the Assistant Secretary of State, Mr. Wilson, and by the Director of the Consular Service, Mr. Carr, that I shall not attempt to go into a discussion of the details of the measure. I want, however, to comment in a general way upon the three principal objects which the bill seeks to accomplish, and which entitles it, in my opinion, to the hearty approval of Congress. The first object is the

APPOINTMENTS TO GRADES INSTEAD OF TO PLACES.

The appointment of a secretary in the Diplomatic Service, or of a consular officer, to a grade instead of a place would make him transferable instantly by the Executive to any post in the grade to which he has been appointed. This would introduce into the service an element of elasticity which it does not now possess and which is of the highest importance if the service is efficiently to fulfill its mission. Like the officers of the Army and the Navy, the secretaries of the Diplomatic Service and the consular officers should be instantly assignable, in the discretion of the President, in accordance with the public needs. At present the salary attaches to the office, but not to the man; so that, for example, if a consulate ceases to be necessary the President may close it, but he can not use the consul at another place where a consul may be of the utmost importance until Congress shall have enacted suitable legislation creating a consulate at that place. Likewise an embassy may be temporarily overworked, but under the present system we can not detach a secretary from

another diplomatic post and assign him for the time being to the busy embassy. The first section of the Sulzer bill is designed to remove this difficulty by authorizing the appointment of officers to grades and permitting the salaries to attach to the grades rather than to the place to which the officer may be assigned.

This provision does not seek to limit the authority either of the President or of Congress, but merely seeks to substitute for the present involved and cumbersome system a method of making the officers of the foreign service instantly responsive to the public needs and to the changes in political and commercial conditions abroad. The adoption of the first section of the bill would very greatly promote efficiency, would involve no greater, if as great, expense to the Government, and would relieve Congress of a great many unnecessary details of legislation.

The second important object to be accomplished by this bill is the

GRADING OF SECRETARIES IN THE DIPLOMATIC SERVICE.

This section is, of course, indispensable if the first section of the bill, in relation to appointments to grades, is enacted. There is, however, another important reason in support of this section. There exists in the Diplomatic Service, in respect to grades, the same lack of system to-day that, prior to the act of 1906, existed in the Consular Service. A secretary is appointed to a place which has no fixed relation to any other place. When he is transferred to another post he merely vacates one post and accepts appointment to another. In these circumstances regulations regarding promotion for efficiency do not have the effect on the men in the service which they would have if the officers were graded as they are in the Consular Service. In order that the full benefit of the principle of promotion for efficiency may be realized, it is necessary that the officers shall be classified and graded by law so that every member of the service shall have a correct understanding of the relation of the various offices and of their relative importance.

The third object to be accomplished is to give legislative approval to the existing system of

DETERMINING THE FITNESS OF CANDIDATES FOR APPOINTMENT TO THE DIPLOMATIC AND CONSULAR SERVICE BY EXAMINATION.

Nothing has brought about so great a change in the foreign service as the executive orders requiring candidates to be examined as to their fitness for appointment by undergoing a thorough and impartial examination. The men appointed as a result of these examinations have been of a far higher average ability than in the past. The appointments have been distributed over a larger number of States than heretofore. Statistics have already been produced to the committee showing the great increase in the number of appointments from the South and from States in other parts of the country which were until recently with little or no representation. The new system is gradually operating to give the United States a foreign service representative of the whole country instead of small sections of the country. The establishment of efficiency records and the adoption of the principle of promotion on merit alone have brought

about an activity and efficiency hitherto unknown in our foreign service.

But it may be asked why, if the President has the power already to accomplish these things, the Congress should be asked to legislate upon the subject? The object of everyone in favor of this bill is, of course, to render the existing system of appointments and promotions as permanent as possible; and I believe that the enactment of a law such as that proposed, even though it does not purport to be mandatory upon the President, would give to the existing system far greater stability and permanency than it could possess as an act of the President alone. The formal approval of the existing system by Congress in a law such as that which Mr. Sulzer has proposed, backed by the strong public opinion which has centered about this bill, would be of enormous assistance to any President in upholding and continuing the application of the merit principle to the foreign service.

It seems to me that there can be no question about the constitutionality of the measure, since it in nowise purports to direct the President as to what he shall do. The obligation imposed upon the Secretary of State to discharge certain duties of an administrative character, and the constitution of two boards of examiners with specified duties, are certainly within the power of Congress.

In conclusion let me say that in my opinion the day has passed when politics should influence foreign-service appointments below the grade of head of mission. We are just entering upon an era of great activity in the field of international commerce; our people are rapidly acquiring extensive interests abroad. In order to assist in the development of markets for our products and to afford adequate protection to American interests in foreign countries, we need the most efficient foreign service we can develop. The commercial diplomacy of the future can only be conducted successfully through a foreign service composed of trained men, and the enactment of the Sulzer bill would go a long way toward enabling future Presidents and Secretaries of State to discharge their duties in connection with foreign intercourse and the development of commerce in a thoroughly efficient manner.

The CHAIRMAN. This will conclude the hearings on the bill.

THE AMERICAN DIPLOMATIC AND CONSULAR SERVICE—ITS PERPETUATION AND IMPROVEMENT.

The enactment of the Sulzer bill (H. R. 20044) insures:

That the consideration of the political affiliations of candidates would be prohibited.

That the successful passing of the prescribed examinations would be legally recognized as a prerequisite for foreign-service appointments.

That efficiency is the only basis for promotion.

That the special efficiency of diplomatic secretaries, of consular officers, of departmental officers and employees, and of all persons who have passed the prescribed examinations would be brought to the attention of the President when recommendations for initial appointments, promotions, and transfers are submitted to him.

That efficiency records would be kept of diplomatic secretaries, of consular officers, and of officers and clerks of the Department of State.

That the proportional representation of the several States and Territories in the foreign service would be published at the close of each examination.

That diplomatic secretaries and consuls would be appointed to grades instead of to specified posts.

That orderly promotion would be made possible by the grading of diplomatic secretaryships.

That the scope and frequency of examinations would be legally established.

That the examining boards would be legally established.

That the reports of the examining boards would be in writing and would be published.

That the constitutional provision requiring the concurrence of the Senate to make the appointment of diplomatic and consular officers effective would not be changed.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
New York, April 11, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: It is with great regret that we find it impossible to be represented before the Committee on Foreign Affairs at the hearing to-morrow morning in support of bill H. R. 20044, introduced by you "for the improvement of the foreign service."

Our inability to be present is due to the fact that just at this moment the association is completely reorganizing and enlarging its committee structure, and the personnel of the new structure is not yet complete. It further happens that various of the executive officers have positive engagements for to-morrow which prevent their presence in Washington.

Your bill would incorporate into the statute principles for which this association has been actively and earnestly contending for years. While not as far-reaching in detail as some of the former bills which the association has approved, we are convinced that the enactment of your measure would meet the situation as fully as the constitutional limits permit.

Believing, therefore, that your bill is constitutional and is thoroughly practical, we earnestly urge favorable action thereon by your committee and the passage of the measure by both branches of Congress at the present session.

Very sincerely, yours,

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By S. C. MEAD, Secretary.

NEW YORK PRODUCE EXCHANGE,
New York, April 10, 1912.

HON. WILLIAM SULZER,
Member of Congress, Washington, D. C.

MY DEAR MR. SULZER: I thank you for calling my attention to the hearing before the Committee on Foreign Affairs on your bill No. 20044.

It will be impossible for me to be in Washington on that date, other engagements preventing.

I will be glad to have you present to the committee the inclosed resolution adopted by our board of managers in reference to this bill.

With best regards and wishes, I am,

Very sincerely, yours,

E. R. CARLCOCK, President.

RESOLUTIONS ADOPTED AT A MEETING OF THE BOARD OF MANAGERS OF THE NEW YORK PRODUCE EXCHANGE, HELD MARCH 7, 1912.

Whereas the members of the New York Produce Exchange, being largely interested in export trade, are vitally concerned in the efficiency of the foreign diplomatic and consular service maintained by the United States: Be it

Resolved, That the board of managers of the New York Produce Exchange hereby indorses House bill 20044, introduced by the Hon. William Sulzer, providing for various improvements of the foreign service, and strongly urge prompt and favorable action on this bill, believing that its provisions will materially and permanently increase the value of this service.

Resolved, That copies of this preamble and resolution be forwarded to the chairman of the Committee on Foreign Affairs, House of Representatives; to the chairman of the Committee on Foreign Relations of the United States Senate; and to the Secretary of State.

NEW HAVEN, CONN., March 5, 1912.

HON. WILLIAM SULZER, M. C.,
Washington, D. C.

DEAR SIR: Please accept my sincere thanks for your kind invitation to attend the hearing on House bill 20044 for the improvement of the foreign service. I should like very much to attend the hearing, but am unfortunately unable to do so. I hope, however, that the bill will be favorably reported.

Believe me,

HENRY W. FARNAM.

NORWICH, CONN., March 20, 1912.

HON. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

SIR: I have before me a copy of House bill 20044, introduced by you on February 13, 1912, for the improvement of the foreign service.

This bill commends itself to me—

First. As a citizen desirous of higher character and efficiency in our Diplomatic and Consular Service. While we always have some excellent officers in these posts, it is well known and much regretted that, on the average, our standard of ability and of consequent influence has been, and is, much below that of some other nations.

Second. As a manufacturer of some experience in the export trade, I think your bill worthy of strong support from the standpoint of business.

From every point of view I regard the bill as a decided advance upon even the present somewhat improved condition of our Diplomatic and Consular Service.

If I can do anything further to aid your efforts in the passage of the bill, please suggest.

I have the honor to be,

Very respectfully, yours.

WM. A. AIKEN.

THE CINCINNATI COMMERCIAL ASSOCIATION,
April 2, 1912.

HON. WILLIAM SULZER,
House of Representatives, Washington, D. C.:

The foreign-trade expansion committee of the Cincinnati Commercial Association, an organization of 1,500 business men in this city, urge passage of bill for improvement of foreign service, being House bill 20044. We feel the salaries provided are inadequate, and urge amendment of this section if possible.

A. P. HAGEMeyer, Chairman.

RESOLUTIONS OF AMERICAN MANUFACTURERS' EXPORT ASSOCIATION ON HOUSE BILL 20044, "A BILL FOR THE IMPROVEMENT OF THE FOREIGN SERVICE."

Whereas the attention of the American Manufacturers' Export Association has been called to the provisions contained in House bill 20044, entitled "A bill for the improvement of the foreign service," which bill is now in the hands of the Committee on Foreign Affairs in the House of Representatives; and

Whereas the members of the board of directors of the American Manufacturers' Export Association have made a careful perusal and study of provisions of said bill; and

Whereas the said directors of the American Manufacturers' Export Association have noted with pride the vast improvements in the Consular Service of the United States, as in the past 10 years, which improvements (it is their belief) is largely caused by the adoption of rules on the part of the State Department along the lines which it is now proposed to make permanent by the enactment of this House bill 20044; and

Whereas the increased complication of American foreign business and multiplicity of articles now exported in distinction to the few articles exported many years ago, makes it necessary that better men be employed both by the

manufacturers and by the Government in the introduction of these articles abroad and the proper development of the foreign markets; and Whereas the provisions of this bill will practically remove the Consular Service from political activity and will assure permanency of position to capable men once they have entered the Consular Service without regard to what political party may be in power; and

Whereas it is the belief of the board of directors that all the provisions in this bill, will work to the permanent establishment of the beneficial policy now pursued by the State Department with regard to the Consular and Diplomatic Service and will establish these beneficial methods as law of the Nation instead of the rulings of the Secretary of State, which rulings could be changed by any future Secretary of State: Now, therefore, be it

Resolved, That the directors of the American Manufacturers' Export Association, in the name of its membership, hereby indorse said House bill 20044, entitled "A bill for improvement of foreign service," and ask that it be favorably reported from the Committee on Foreign Affairs, and strongly urge its passage by the House of Representatives and Senate; and be it further

Resolved, That copies of these resolutions shall be sent to the Committee on Foreign Affairs, all Members of the House of Representatives and the Senate of the United States.

AMERICAN MANUFACTURERS' EXPORT ASSOCIATION.

W. B. CAMPBELL, *President*,

For the Board of Directors.

[Editorial from the Evening News, Buffalo, N. Y., Mar. 18, 1912.]

THE SULZER CONSULAR BILL.

Congressman Sulzer is adding to the long list of notable services that he has performed by a bill to put the Diplomatic and Consular Service on the right footing by law. President Roosevelt made a good start with Secretary Root at his right hand to organize and push the reform that should give the United States a service that compares favorably with the like service of other countries.

President Taft has rigidly enforced the merit system, but another President, less zealous for efficiency in service, may reverse that policy at any time, or Congress may get into a quarrel with the Executive and withhold appropriation.

The Sulzer bill provides that there must be a passing of examinations in order to qualify any applicant for appointment in the foreign service; that efficiency is the only basis for promotion, judged by records which shall be kept, and that secretaries and consuls be appointed to grades instead of the specified posts; that there need be legally established examining boards with reports in writing and published, and these provisions not to conflict with the constitutional provision that the Senate concur in appointment of diplomatic and consular officers.

The bill is highly indorsed by the State Department. It is favored by everyone who has regard for the interests of our country abroad, especially its commercial interests. It may be regarded, and perhaps it should be regarded, as part of that dollar diplomacy which has come to the front so strongly under the leadership of President Taft and Secretary Knox.

But it is certain that until men may make the Consular Service a career for which they may qualify themselves by travel and study and experience, we shall not have a service that compares at all well with our rivals, and the business of American industry will suffer in proportion, as it has heretofore.

Much improvement has been made in practice. It is time now that public opinion, being more enlightened, shall virtually compel Congress to take a forward step so as to put the service on a permanent basis of merit and honor. Where that is done it will be no longer true that our Consular Service is inferior to that of England or France or Germany.

In native endowment our officials surpass those of any other nation, but the shiftings of politics, the necessities sometimes of pull, and other things which are too well known to need mention, affect the service to its very serious harm. The Sulzer bill is planned to remove all the objections which have prevailed heretofore and to work a change of the highest benefit to the Nation.

[Editorial from the Journal of Commerce, New York, Mar. 19, 1912.]

GOVERNMENTAL PROMOTION OF COMMERCE.

As a general proposition, it may be safely affirmed that the more interest the executive departments of the Government of the United States take in the promotion of the commerce of the Nation, the better they will discharge their duty to the people. Thus, when the Acting Secretary of State invokes the support of the commercial organizations of the land for the bill introduced by Representative Sulzer, with the declared purpose of improving the foreign service, he makes an appeal which touches a wide range of business and industrial interests. For the Sulzer bill is merely a new form of the Lowden bill, and is rightly characterized as an embodiment of "principles for which the commercial organizations of the country have been contending for a number of years." The bill is intended to give legislative sanction to the existing executive regulations governing appointments and promotions in the Diplomatic and Consular Service, to make permanent the great improvement already effected, and to lay the foundation for further improvement in the future—in short, to head off the danger of letting the Consular Service relapse into the old vicious ruts of partisan politics. It need hardly be said that while the highest consular places continue to be reserved for incumbents whose main qualification is their usefulness to a political party, the service will not hold very powerful inducements for the best men to select it as a career. Important as have been the gains which by successive Executive orders have been made in establishing a uniform rule of fitness in the service, no President or Secretary of State has yet been able to keep its prizes from being clutched by the politicians. But it is something to have made "efficiency as the only basis of promotion," in the majority of cases, and the passage of the Sulzer bill will greatly strengthen the hands of the Executive in the endeavor to make it the sole qualification in every case.

So, too, the Secretary of Commerce and Labor, with the aid of the President, is engaged in a highly laudable effort when he invites the various commercial bodies of the country to form a national organization of a thoroughly representative character, to which the executive officers of the Government could turn for advice and guidance in matters relating to trade and industry. Secretary Nagel's predecessor, Mr. Straus, made a similar attempt, but failed, because he began to organize from above instead of from below. In his message of December 7, President Taft gave the first impetus to this new movement by expressing a belief that it would be of great value to have "some central organization in touch with the associations and chambers of commerce throughout the country, and able to keep purely American interests closely in touch with commercial affairs." The President says that this statement was prompted by suggestions received from representatives of commercial and industrial interests in all parts of the country. And it seemed to him to be obvious that such an organization as he had suggested might be instrumental in a very large field to aid and assist the executive and legislative branches of the Government in the intelligent and impartial development of domestic and foreign trade. It could be of assistance in giving advice in regard to proposed new legislation and in counseling representatives of the executive branch when asked to submit recommendations upon bills introduced and pending before committees. Such an organization would, moreover, be in the best possible position to suggest fields for new inquiry at home and abroad, the methods by which such inquiries should be pursued, and the means by which their results could be most advantageously brought to the attention of merchants and manufacturers. Acting on the President's recommendation, the Secretary of the Department of Commerce and Labor has called a meeting of the representative commercial and industrial associations of the United States for April 15 in the city of Washington.

The question of the method of organization will naturally be the most important subject of discussion for this April conference. It has been suggested that the membership of the national association should consist of chambers of commerce, boards of trade, and kindred associations which are democratic in their character and broadly representative of the commercial interests of the districts which they serve, as well as of such trade and industrial organizations as are national in their scope. Representation in the national association would necessarily be based on the numerical strength of the constituent organizations with a limit to the number of delegates which the larger organizations could be

allowed to appoint. There would necessarily have to be an advisory committee and a permanent board of directors to keep in touch with the questions demanding the attention of the organization and to direct the activity of the executive secretary in charge of the permanent headquarters in Washington. Of course everything would depend on the breadth of view and the commercial experience which would govern the policy of such an organization. Its activity might become the reverse of beneficial were it permitted to become the center of agitation for special privileges or governmental subventions for any form of commercial or industrial enterprise. Germany is, of course, the standing illustration of the affiliation of business organizations with the Government, and the claim has been confidently made that the development of the business of the United States has been seriously impeded by a lack of such coordination of effort. Be that as it may, there can be no question about the value of providing a kind of national clearing house for the development and expression of business opinion and for insuring united action upon questions of common interest in every part of the country. So long as the men at the head of such an organization do not lose sight of the fact that the chief impediment to the development of our foreign commerce is the system of reduplicated taxation which hampers every branch of American manufacture when brought into competition with that of another country enjoying greater industrial freedom, they can unquestionably do effective work in removing some of the minor impediments, and possibly in bringing about a clearer perception of the direction in which permanent expansion must be sought.

[Editorial from the Post-Express, Rochester, N. Y., Mar. 16, 1912.]

IMPROVING THE FOREIGN SERVICE.

The bill for the improvement of the foreign service, introduced by Representative Sulzer, chairman of the Committee on Foreign Affairs in the House, should be passed. It aims to give legal effect to a system already introduced by the President, through Executive orders, under which appointments and promotions in the Diplomatic and Consular Service are made from those whose fitness has been established by adequate tests. Great improvement has been brought about, and this will be made permanent if the pending bill becomes a law. The measure provides for keeping the foreign service on a business basis, and its principles are approved by the leading commercial organizations of the country. It prohibits consideration of political affiliations of candidates and provides that successful passing of the prescribed examinations shall be legally recognized as a prerequisite for appointment. Efficiency is to be the only basis for promotion. One of the best features of the bill is its provision for keeping efficiency records of diplomatic secretaries, consular officers, and officers and clerks of the Department of State. These records would, of course, be a great help to the President when appointments, promotions, and transfers were under consideration. Diplomatic secretaries and consuls would be appointed to grades instead of to specified posts, and orderly promotion would be made possible by the grading of diplomatic secretaryships.

The interest of commercial bodies in the reform which this bill aims to make permanent is easily understood. As foreign trade increases it becomes more and more important that those who represent this country abroad be chosen because of their fitness for the work to be done rather than because they belong to one or another political party. Experience does not encourage the belief that the business of government will ever be removed altogether from the field of politics, but politics should have no place in the foreign service, which ought to be on a strictly business basis. The Sulzer bill, establishing principles which already have been applied by President Taft, is supported by the State and Treasury Departments. There is nothing radical about it, and it is not likely to be opposed by any persons who believe that the conduct of the foreign service should be businesslike. If spoilsmen oppose it, their opposition will strengthen the belief that it should be passed. Of course nothing in the bill changes the requirement that in order to be effective appointment of diplomatic and consular officers must be approved by the Senate.

[Editorial from the Argus, Albany, N. Y., Mar 18, 1912.]

THE DIPLOMATIC SERVICE.

It is a common knowledge that admission to the diplomatic service of the United States depends to a considerable extent on social influence. If a young

man is backed by wealth and society he stands an excellent chance of being made a secretary of legation, and his promotion thereafter also depends much on this same backing. He may not be fitted for the position, but that makes little difference. There was a time when even our consuls got their posts principally to gratify the social ambitions of their wives, but there has been of late years some improvement in this direction.

Representative Sulzer, of New York, of the House Committee on Foreign Affairs, has introduced in Congress a bill designed to make appointments to and promotions in the diplomatic service dependent more on merit than social influence. Such a measure has long been needed, and it is to be hoped that it will become a law. It provides for a rigid examination of applicants for admission to the service, and debars anyone who can not pass it. Then, too, after a man gets into the service a record of his work will be kept, and, if his name is sent up for promotion, the Secretary of State will be required to put before the President a statement of his record, and to make it public. The bill proposes that the positions in the diplomatic service be graded into classes, and a salary fixed for each class, so that there can be no favoritism. Mr. Sulzer would have a board of examiners to pass upon all applicants for admission to the service, and one member of the board he would have a member of the Civil Service Commission.

If this plan becomes operative, it will result not only in a more efficient diplomatic service, but will give ambitious young men of ability, who may not have social or financial backing, an opportunity to enter the Government service that is now denied them. The bill is based on simple fairness, and is thoroughly in line with the principles of true democracy.

[Editorial from the Gazette, Altoona, Pa., Mar. 15, 1912.]

TO EXTEND COMMERCE.

It is refreshing to recognize the fact that not everybody about the National Halls of Legislation are engaged in playing politics and that there are those who are giving some attention to the promotion of projects to improve the commercial and industrial conditions of the Nation.

Among the bills recently introduced, is one by Representative Sulzer, of New York, chairman of the House Foreign Affairs Committee, whose aim is to extend the commerce of the United States with foreign countries and to develop an efficient foreign service, capable of rendering substantial assistance to American manufacturers and exporters.

Mr. Sulzer is a Democrat, but he works in entire harmony with the administration so far as concerns trade matters and general foreign affairs, believing that these should not be the subject of party differences. The bill referred to has the cordial approval of the State Department, being in harmony with the recommendations of the President and Secretary of State.

The bill embodies the principles for which the commercial organizations of the country have been contending for years, and it proposes to take all diplomatic and consular appointments out of politics and base them entirely on fitness. Undoubtedly our country has failed to get its fair share of trade, in many instances, because of the inefficiency of our consular representatives, compared with those of other nations, trained especially for that service. President Taft strongly recommended legislation of this character in one of his messages, and no doubt he hopes that Mr. Sulzer will be able to secure the support of a majority of the Members of the House for the passage of his bill.

[Editorial from the Star-Journal, Pueblo, Colo., Mar. 14, 1912.]

IMPROVEMENT OF AMERICAN CONSULAR SERVICE IS NEEDED.

Improvement of the United States Consular Service so that it may become a more effective agency for promoting American interests and American trade has been agitated for years, and efforts have been made at various times to bring about this improvement by proper legislation, but attempts to make efficiency and competency supplant the political system of appointment have

been failures. Another effort to place the service on a higher plane is being made through the introduction of a bill by Congressman Sulzer of New York. The measure has the approval of the State Department and the President because it follows along lines advocated by the department.

The State Department is making an active effort to secure the passage of the Sulzer bill, and as part of the propaganda in its favor the Star-Journal is in receipt of a letter from Huntington Wilson, Acting Secretary of State, who says: "This bill is similar to that before the last Congress and known as the Lowden bill. Its enactment would give legislative sanction to the existing executive regulations governing appointments and promotions in the Diplomatic and Consular Service, make permanent the great improvement already brought about, and lay the foundation for still further improvement in the future. The Sulzer bill is in harmony with the recommendations of the President and of the Secretary of State, and embodies the principles for which the commercial organizations of the country have been contending for a number of years."

Under the Sulzer bill provision is made for appointments to the service by the President, with the sanction of the Senate, as at present, but provision is made for the holding of examinations to secure an eligible list. The Secretary of State is required to keep a record of the services of each person in the service, and promotions will be based upon this record, efficiency being the only basis for promotion, as the consideration of the political affiliations of candidates is prohibited. The bill also provides for the grading of positions, and under it all appointments would be made by grade instead of to specified posts, as at present. The constitutional provision requiring the concurrence of the Senate to make appointments in the Diplomatic and Consular Service is preserved and provision for an examining board is made.

Congressman Sulzer, author of the bill, is chairman of the Committee on Foreign Affairs and one of the leading Democrats of the House. The bill is a result of his long experience in Congress and his recognition of the fact that reform is needed to bring about the best results for this country. His bill would put the Diplomatic and Consular Service on a level with that of other countries and enable the United States to build up a service equal to that of England and Germany, where the men are especially trained for this important service. Foreign countries have well-trained diplomatic bodies because they select men especially qualified for the positions and keep them in the service for years, giving promotion when promotion is deserved. In the United States the service is regarded as the legitimate spoils of politics and too many appointments are made as a reward for political services. Many good men are secured under the system, but their services are lost to the country through changes in administration and at a time when they are becoming of great value to the country.

Greater permanency is needed in the service, and the only way to achieve this is to eliminate the political factor and make merit the base of the diplomatic structure. American trade conditions depend largely upon the worth and work of the Consular Service, and if this country is to compete successfully with its foreign rivals the service must be placed upon the highest possible plane. Under the present system men peculiarly qualified to hold positions are barred because they lack political influence. There is no incentive to aspire to these positions because of the uncertain tenure of office, but with the introduction of the reforms advocated by Congressman Sulzer and the State Department the field is opened to ambitious young men, who will be enabled to enter the service and by their application and attention to duties place themselves in position to attain the highest positions in the gift of the department. With a few years of trial of the new system its worth would be demonstrated. Congress owes it to the commercial interests and to the whole country to make the Sulzer bill a law and thus put the United States on an equality with the leading nations of the world.

[Editorial from the Times-Star, Cincinnati, Ohio, Mar. 15, 1912.]

THE DIPLOMATIC AND CONSULAR SERVICE.

Any plan that has for its purpose the making of the Diplomatic and Consular Service more useful, if perhaps less ornamental, merits and will receive general commendation.

The provisions that were contained in the Lowden bill, which was before the last Congress, have been incorporated in the pending House measure known as the Sulzer bill. This bill seeks to give legislative sanction to existing executive regulations concerning appointments and promotions in the service. It will give permanency to the reforms that have already been brought about and will lay the foundation for still further reforms.

"Dollar diplomacy," in all that the phrase signifies, has come to be most popular with the people of this country. They accept it as expressing a determination to employ the Diplomatic and Consular Service in building up the foreign trade. So much more has been accomplished in this direction since the policy of recognizing actual merit in making appointments and promotions was adopted that the proposal to make this policy a lasting one could not but meet with favor.

[Editorial from the Chronicle Telegraph, Pittsburgh, Pa., Mar. 15, 1912.]

CONSULAR SERVICE BILLS.

Two bills providing for improvement of the Consular Service are pending in Congress, the Nelson-Foss bill and the Sulzer bill. Discussing the merits of these measures, the Chicago News declares emphatically for the former, which, in addition to being backed by the National Business League, has the advantage—so regarded in Chicago—of being practically a Chicago product. The Sulzer bill is dismissed by the News as a "politician's milk-and-water measure," which is "merely permissive in its nature and is not well calculated to meet the needs of the situation."

Careful examination of the Sulzer bill, which happens to be the measure favored by the State Department, does not bear out the contemptuous estimate of our Chicago contemporary. There is visibly no warrant for condemning as ineffective a bill which provides specifically that all appointments of secretaries in the Diplomatic Service and of consuls general and consuls shall be to grades instead of to places; that efficiency shall be the sole basis of promotion; that the President shall be kept informed of the relative efficiency of candidates for promotion; that efficiency records be kept; that examining boards be legally established and the scope and frequency of examinations legally determined; and that the reports of the examining boards be in writing and be published.

The object of the Sulzer bill is to put the Consular Service on the same basis as the Army in the matter of appointments and promotions, and its provisions seem well calculated to insure the attainment of this end. The interest of the State Department in the measure could not be otherwise explained, since it is from that department that the demand for improvement emanates, and it is especially to the advantage of that department that the improvement should be genuine and effectual.

[Editorial from the Democrat and Chronicle, Rochester, N. Y., Mar. 16, 1912.]

DIPLOMATIC AND CONSULAR SERVICE.

There is pending in the House of Representatives at Washington a bill introduced by Representative Sulzer, of New York, that has for one object the improvement of the Diplomatic and Consular Service of the United States. Mr. Sulzer is chairman of the House Committee on Foreign Affairs, and his bill meets the wishes of the Department of State. It is similar to the measure known as the Lowden bill, which was before the Sixty-first Congress.

The Department of State desires to give legislative sanction to the existing executive regulations governing appointments and promotions in the Diplomatic and Consular Service, make permanent the great improvement already brought about, and lay the foundation for still further improvement. The bill embodies the principles for which the commercial organizations of the country have been contending for several years.

If the Sulzer bill should be enacted, the consideration of political affiliations of candidates would be prohibited, it would be necessary to pass an examination to get an appointment, and efficiency would be the only basis for promotion. Orderly promotion would be made possible by the grading of diplomatic secretarieships. There are other provisions, all of which would aid in

making the Diplomatic and Consular Service of the United States what it should be—the best in the world.

It is to be hoped that in the examinations the Department of State will insist upon a thorough knowledge of the English language by every candidate, both in speaking and writing. In examinations it is often assumed that if a candidate has an exhaustive knowledge of the technology of the position he desires his knowledge of the language will be sufficient for all needs, as, of course, every American knows his native language. Unfortunately, every American does not. Returning to the main theme, the Sulzer bill should be passed. The legislation is needed, and, being asked for, should be enacted.

[Editorial from the Outlook, New York, Mar. 30, 1912.]

THE CIVIL SERVICE AND FOREIGN APPOINTMENTS.

Last year Mr. Lowden introduced a bill into the House of Representatives to confirm by law that which now exists only by virtue of Executive order—that is to say, the necessity of examinations as precedent to appointments to the lowest grades of the Diplomatic and Consular Services and the promotion in those services by efficiency. Mr. Lowden's bill, we regret to say, did not pass. It has now been reintroduced in practically the same form by Mr. Sulzer, chairman of the House Committee on Foreign Affairs. If the bill passes it will be impossible for a reactionary President to appoint applicants as a reward for party services unless they stand the test of an examination, or, in the case of some inefficient favorite already in the service, to overlook the principle of efficiency as the only basis for promotion. If Members of Congress do not yet realize the moral value of thus affirming the merit system they should be able to understand that such a service permanently established by law would be of indubitable assistance to our manufacturers and exporters in extending their foreign trade. For years manufacturers and exporters have contended for *this* system. Hence, when the Acting Secretary of State invokes, as he has done, the support of the commercial organizations of the country for the bill now before the House he makes an appeal which must inevitably touch very many commercial interests.

[Editorial from the Call, San Francisco, Cal., Mar. 18, 1912.]

MEASURE TO IMPROVE THE CONSULAR SERVICE.

In line with the recommendations of President Taft to put the Diplomatic and Consular Departments of the Government on a business basis is the Sulzer bill, now pending in Congress. It has been the practice to treat these appointments in all grades as pay for political service, without much regard for fitness. The consequence has been that our Consular Service has become in many cases a national scandal.

The Sulzer bill provides, among other things—

That the consideration of the political affiliations of candidates would be prohibited.

That the successful passing of the prescribed examinations would be legally recognized as a prerequisite for foreign-service appointments.

That efficiency is the only basis for promotion.

That the special efficiency of diplomatic secretaries, of consular officers, of departmental officers and employees, and of all persons who have passed the prescribed examinations would be brought to the attention of the President when recommendations for initial appointments, promotions, and transfers are submitted to him.

That efficiency records would be kept of diplomatic secretaries, of consular officers, and of officers and clerks of the Department of State.

That the proportional representation of the several States and Territories in the foreign service would be published at the close of each examination.

That diplomatic secretaries and consuls would be appointed to grades, instead of to specified posts.

That orderly promotion would be made possible by the grading of diplomatic secretaryships.

American commerce is not greatly concerned about the functions of diplomacy as such, for these are largely and chiefly ornamental, but our consuls in foreign lands are the commercial eyes of the country. They are in a considerable way the business agents of our merchants and manufacturers, and if they have had no training outside the field of politics they are obviously incompetent for any useful service in this field.

It has been notorious that some of them were sent away to get rid of them, although it can not be said that they left their country for their country's good.

[Editorial from the Courier, Elgin, Ill., Mar. 19, 1912.]

SULZER CONSULAR BILL.

The Courier has received a letter from Huntington Wilson, Acting Secretary of State, relating to the Sulzer bill, which is now pending before the House of Representatives at Washington. This bill is similar to the one before the last Congress and known as the Lowden bill. Its enactment would give legislative sanction to the existing regulations governing appointments and promotions in the Diplomatic and Consular Service, make permanent the great improvement already brought about, and lay the foundation for greater improvement in the future.

Our Diplomatic and Consular Service has, upon the whole, been placed upon a greatly improved basis within the last seven years, during the service of Elihu Root and Secretary Knox. It was clearly understood by the former when he first instituted his reforms that they could only be achieved gradually. The bill for "consular and diplomatic reform" which became law several years ago was far from reaching the point which he held desirable.

The Sulzer bill is expected to go further and help the service even more. It is in harmony with the recommendations of the President and of the present Secretary of State, and it embodies the principles for which the commercial organizations of the country have been contending for a number of years. It would prohibit consideration of the political affiliations of candidates for either the Consular or Diplomatic Service, would legally establish the examination system in appointments to foreign posts, and make efficiency more clearly the basis of promotion.

Time was when, except for the various literary figures who adorned it, our foreign service was little short of a disgrace. That period has passed—and so, unfortunately, have the literary representatives, like Lowell at London, Howells at Venice, and others—but the foreign service is still far from what it should be.

[From the Dispatch, Columbus, Ohio, Mar. 20, 1912.]

THE SULZER BILL.

Decided improvement in the American Diplomatic and Consular Service is to be expected in case the Sulzer bill passes both Houses of Congress. The bill provides for placing diplomatic secretaries and all members of the Consular Service on the classified lists of Government employees and for appointments "to grades instead of to places." It is a step toward genuine civil-service reform in a field where it is especially needed.

By the provisions of the Sulzer bill consideration of the political affiliations of candidates would be prohibited; the successful passing of prescribed examinations would be legally recognized as a prerequisite for foreign service appointments; efficiency would be the only basis for promotion; proportional representation of the several States in the foreign service would be published regularly; orderly promotion would be made possible by the grading of diplomatic secretaryships; and the constitutional provision requiring the concurrence of the Senate to make the appointment of diplomatic and consular officers effective would not be changed.

The measure ought to insure greatly increased efficiency in the Diplomatic and Consular Service of the United States and thereby render substantial assistance to American manufacturers and exporters in extending our foreign trade.—Boston Globe.

[Editorial from the Dispatch, Columbus, Ohio, Mar. 16, 1912.]

CONSULAR APPOINTMENTS BY MERIT.

The effort of Mr. Sulzer, chairman of the House Committee on Foreign Affairs, to secure appointments to the foreign service solely on merit is to be commended. It is an expression of the desire of business men for a business service, as well as of officials and all others who believe that the Government ought to get what it pays for. Besides, if the pending bill is passed, it will give statutory support and stability to the present practice of the State and Treasury Departments.

If the bill becomes a law, there will be an end, so far as the foreign service is concerned, of the spoils system of appointments and promotions. The examinations will be legally established and the test of efficiency will be applied to all aspirants, none of whom will be admitted or denied admission to the service because of partisan affiliation. Secretaries, consular officers, and departmental officers will always, in the first instance, go to their places, or, later, will be transferred or promoted because of their capability for the work to which they are sent. As a result, the country will be more respected abroad and commercial intercourse will be promoted. What we may at any time learn of conditions abroad through the agency of an earnest and intelligent consular corps is illustrated in the reports that have for some years been made and by the special reports on the cost of living which have just been summarized by the President and transmitted to Congress for its guidance in legislation.

[Editorial from the Evening Post, New York City, Mar. 28, 1912.]

So many benefits would flow from the passage of the bill now under consideration by the Foreign Affairs Committee of the House to improve the organization of our Consular and Diplomatic Service that there ought to be no doubt of its passage during the present session of Congress. Nor is it only the inherent merits of the bill that encourage the hope that this will actually happen. Toward the state of things which the bill proposes to establish in a systematic way, there has now been for a series of years a steady approach in the actual practice of the State Department. Transfers and promotions within the service, on the basis of experience and proved ability, have, in an increasingly large proportion of cases, taken the place of the old method of haphazard appointment from outside, and of selection as a matter of personal favor or partisan reward. The essential feature of the bill is indicated in its first section:

"That the President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of places, subject to the advice and consent of the Senate in each case."

Then follow sections prescribing the system of reports on efficient service, and of examinations as to qualifications, which are to form the basis of the organization of this graded service, as well as a definition of the grades themselves and the accompanying salaries. To make an appointment in the Consular or Diplomatic Service the stepping stone to a career, as well as to secure fairly qualified appointees in the first place and to eliminate the spoils factor, is the object of the scheme; and so far have we got ahead that probably not a man will be found in Congress to attack the carefully thought-out method of examination proposed by trotting out any of the ancient jokes that used to be such favoritism with the "practical" men.

[Editorial from the Sandusky Register, Wednesday, Mar. 20, 1912.]

OUR GROWING FOREIGN COMMERCE.

Attention has been repeatedly called in these columns to the extension of the commerce of the United States with foreign countries and the possibilities which are opening up for American manufactures and American products in countries with which heretofore the United States has had but little trade. The extension and permanent maintenance of our foreign commerce depend primarily upon an efficient foreign service, a corps of consuls, secretaries, and

agents capable of rendering valuable information and substantial assistance at all times to American manufacturers and exporters and who encourage by every legitimate means possible our trade relations with the peoples of other lands.

More has been accomplished in this direction during the three years of President Taft's administration than in any like former period, but if this policy is to be successfully continued the Government's service in the foreign field must be strengthened and its efficiency steadily improved. A bill to this end has just been introduced in the lower House of Congress by Mr. Sulzer of New York, chairman of the Committee on Foreign Affairs, and it ought to pass. It is very much similar to the Lowden bill which was before the last Congress and which attracted a good deal of attention among manufacturers and shippers. In brief, the bill, which is recorded as House bill No. 20044, gives legislative sanction to existing Executive regulations governing appointments and promotions in the Diplomatic and Consular Service, makes permanent the improvement of the service already brought about, and lays the foundation for still further improvement. The bill is in entire accord with the recommendations which President Taft and Secretary of State Knox have made and embodies the principles for which the commercial organizations throughout the country have been contending for some years past. Its enactment would remove consideration of the political affiliations of candidates for the Diplomatic and Consular Service, and successful passing of the prescribed examinations would then be legally and rightfully recognized as the first and most important prerequisite for appointments. It also makes efficiency the basis for promotion, and not a political pull, and only those who show efficiency through examination for appointments would be brought to the attention of the President when recommendations are made for appointments for promotions or transfers. The bill compels the keeping of efficiency records for all officers and employees of the Department of State. In other words, it makes a real civil service vital, and in no department of the Government is it more needed than in the Diplomatic and Consular Service. It also enlarges the scope and frequency of examinations, gives them legal status, and makes possible the grading of diplomatic secretaryships, while at the same time it retains the constitutional provision which requires the concurrence of the Senate in making the appointments. Provision is made for equitable representation in the foreign service by the States and Territories, with publication of the representation at the close of each examination.

The Sulzer bill, should it become a law, would establish the merit system in our Diplomatic and Consular Service and would be a long step toward not only the maintenance but the enlargement of our commerce with other countries, with some of which the United States has never come into its own.

[Editorial from the Record-Herald, Chicago, Ill., Mar. 19, 1912.]

THE TWO FOREIGN-SERVICE BILLS.

Two bills for the improvement of the Diplomatic and Consular Service of the United States are before Congress. The one introduced by Representative Sulzer, chairman of the Committee on Foreign Affairs, is indorsed by Huntington Wilson, Acting Secretary of State, in a circular letter. Mr. Wilson says the bill "is in harmony with the recommendations of the President and of the Secretary of State."

This bill provides "that the President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of places, subject to the advice and consent of the Senate in each case." The word "may" is used instead of "shall."

The Nelson-Foss bill, championed by Senator Nelson and Representative Foss, is more advanced and much stronger. "What would the President do about it?" is the natural question in considering the Sulzer bill. One President might bring about genuine civil service under its provisions; another might not. The commercial interests favor the better bill.

In view of the crying need of an effective merit system in the Diplomatic and Consular Service, there ought not to be any "may" in the vital clauses of the bill that becomes a law.

[Editorial from the Galveston (Tex.) News, Mar. 16, 1912.]

PROSPECT OF REFORM IN CONSULAR SERVICE.

The American foreign office looks with sufficient favor upon the Sulzer bill for improvement of the foreign service to direct the attention of the public to its merits. The department notes that enactment of the bill "would give legislative sanction to the existing Executive regulations governing appointments and promotions in the Diplomatic and Consular Service, make permanent the great improvement already brought about, and lay the foundation for still further improvement in the future."

The Sulzer bill provides for the merit system in consular appointments and diplomatic secretaries. It embodies the principles for which commercial organizations have contended for several years with a view to making the work of the foreign office more valuable in the expansion of commerce between the United States and foreign countries. It is promised that the bill, if it becomes a law, will tend to secure foreign service capable of rendering substantial assistance to American manufacturers and exporters. In view of the fact that the measure eliminates political considerations and makes efficiency the only measure of fitness for appointment or for promotion it would seem likely to deserve consideration.

A bill designed to bring about improvement of the Consular Service was also introduced in the Senate by Mr. Nelson, of Minnesota, and in the House by Mr. Foss, of Chicago. The House Committee on Foreign Affairs is to hold a hearing on the consular bills March 20. It is understood that there is considerable rivalry between the two measures, the latter having been indorsed by the National Business League of America. In a discussion of the measures the Chicago News says:

"The Nelson-Foss bill looks to the complete Americanization of the Consular Service by providing that vacancies shall be filled in the manner outlined and putting an end to the practice of designating foreigners to act as consuls. Salaries are graded and provision is made for the traveling expenses of the consul and his family when he is transferred from one post to another. The Sulzer bill is a politician's milk-and-water measure. It is merely permissive in its nature, and is not well calculated to meet the needs of the situation."

Whatever may be the relative merits of the two bills, there is one point upon which the country will agree. This country has need of a consular service that is entirely removed from political manipulations and deficient as only the merit system can make it. Development of trade with foreign countries is certain to be of paramount importance at a very early date, and this development can best be brought about by the right sort of commercial representatives in foreign countries.

There is no room for political favorites, lame ducks, or time servers in the foreign service of a progressive nation. If neither of the bills to be considered by the committee meets all the requirements of the situation, the committee should frame one that will do so.

[Editorial from Harper's Weekly, Mar. 23, 1912.]

TO IMPROVE THE FOREIGN SERVICE.

Mr. Sulzer's bill "for the improvement of the foreign service," introduced in the House on February 13, is one in which readers of the Weekly are likely to be interested and will perhaps join us in urging upon the attention of Congress. By the reorganization act of 1906 Congress classified the posts of the Consular Service in nine grades of consulates and six grades of consulates general, abolished compensation by fees, substituting salaries ranging from \$2,000 to \$12,000, and provided a corps of five consular inspectors, who inspect every post at intervals of two years.

This bill was good as far as it went, but made no provision for appointments to the service or tenure in office. In June, 1906, President Roosevelt, by an Executive order, promulgated regulations for admission to the Consular Service which have had the effect of making it a civil service in fact as well as in name. President Taft has not disturbed this order and, under it, appointments to the service are now made after careful examination of the candidates. If successful they are appointed to a class 8 or class 9 consulate (posts carrying salaries

of \$2,500 and \$2,000, respectively). All vacancies in posts of higher grades are filled by promotion from the ranks. Political affiliations are not considered.

This method of manning the Consular Service has had excellent results, but it is liable to be upset at any time by Executive order, and Mr. Sulzer's bill aims to give permanence by legislative enactment. Training and experience are very valuable in consuls, and efficient consuls are considerably and increasingly valuable to American trade. If capable men are to continue to be attached to that service it must be made to offer them a career as secure as is offered in the Army or the Navy. If Congress takes such action as Mr. Sulzer's bill invites that end will be considerably furthered on its way toward attainment.

[Editorial from the Wisconsin, Milwaukee, Wis., Mar. 21, 1912.]

"DOLLAR DIPLOMACY."

There have been sneering allusions in some quarters of late to "dollar diplomacy." Under the caption, "Governmental promotion of commerce," the New York Journal of Commerce publishes an article seemingly calculated to make level-headed Americans resent these sneers.

The article begins by observing that, as a general proposition, it may be safely affirmed that the more interest the executive departments of the Government of the United States take in the promotion of the commerce of the Nation the better they will discharge their duty to the people. It goes on to declare that when the Acting Secretary of State invokes the support of the commercial organizations of the land for the bill introduced by Representative Sulzer with the declared purpose of improving the foreign service, he makes an appeal which touches a wide range of business and industrial interests.

Why should not the business and industrial progress of the country be an especial concern of its diplomatic and consular representatives? As for the latter branch of the foreign service, is not the fostering of those interests legitimately one of the leading reasons why it is maintained?

Referring to the suggestion of the Acting Secretary of State, the Journal of Commerce adds:

"Germany is, of course, the standing illustration of the affiliation of business organizations with the Government, and the claim has been confidently made that the development of the business of the United States has been seriously impeded by a lack of such coordination of effort. Be that as it may, there can be no question about the value of providing a kind of national clearing house for the development and expression of business opinion, and for insuring united action upon questions of common interest in every part of the country."

The Sulzer bill is intended to give legislative sanction to the existing Executive regulations governing appointments and promotions in the Diplomatic and Consular Service, to make permanent the great improvement already effected, and to lay the foundation for further improvement in the future—in short, to head off the danger of letting the Consular Service relapse into the old vicious ruts of partisan politics. It deserves the support of the Members of Congress, irrespective of faction or party. The same thing may be said of the effort of the Secretary of Commerce and Labor, cooperating with President Taft, to induce the commercial bodies of the country to form a national organization of a representative character to which the executive officers of the Government could turn for advice and guidance in matters relating to trade and industry.

The Secretary of Commerce and Labor has called a meeting of the representative commercial and industrial associations of the United States for April 15 in the city of Washington. It is to be hoped that the meeting will be well attended and will result in organization which will aid the Government in the efficient pursuit of the right kind of "dollar diplomacy."

[Editorial from the Times, Seattle, Wash., Mar. 21, 1912.]

MR. SULZER AND THE FOREIGN SERVICE.

In view of the well-known interest of the Times in the extension of the foreign commerce of the United States, Hon. Huntington Wilson, Assistant Secretary of State, has written the editor a letter on that subject.

Mr. Wilson incloses a copy of H. R. 20044, recently introduced by Hon. William Sulzer, of New York, chairman of the House Committee on Foreign Affairs.

The proposed measure is similar to that before the last Congress, and known as the Lowden bill, which was then thoroughly reviewed in the Times, and was immediately thereafter given the indorsement of the new Seattle Chamber of Commerce.

The enactment of the Sulzer bill, which is the Lowden bill in new form, would give legislative sanction to the existing executive regulations governing appointments and promotions in the Diplomatic and Consular Service, as follows:

(1) The President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades, instead of to places, subject to the "advice and consent" of the Senate.

(2) The Secretary of State may report to the President the names of officers who have demonstrated special fitness—this in addition to recommendations for promotion, transfer, or appointment.

(3) Secretaryship in the Diplomatic Service shall be graded as follows: Class 1, \$3,000, secretaries of embassy; class 2, \$2,625, secretaries of legation; class 3, \$2,000, secretaries of legation and second secretaries of embassy; class 4, \$1,800, second secretaries of legation; class 5, \$1,200, third secretaries of embassy or legation.

Other provisions relate to the board of examiners and the scope of examination, similar to the suggestions already made in those respects.

In his letter to the Times, Assistant Secretary Wilson observes that the passage of the Sulzer bill would make permanent the great improvement already brought about, and would lay the foundation for a still greater advance. It would insure:

(1) The consideration of the political affiliations of candidates would be prohibited.

(2) Examination would be necessary for appointment.

(3) Special efficiency would be placed before the President.

(4) Efficiency records would be kept of diplomatic secretaries, of consular officers, and of officers and clerks in the Department of State.

(5) Diplomatic secretaries and consuls would be appointed to grades instead of to specified posts.

(6) Orderly promotion would be made possible.

(7) That the scope and frequency of examinations would be legally established.

(8) Examining boards would be legally established and their reports would be published.

(9) The concurrence of the Senate as to appointments would stand.

The Sulzer bill is in harmony with the recommendations of President Taft and Secretary Knox—both of whom have made an exhaustive study of the intricate and important questions affecting American trade.

The bill embodies the principles for which the commercial organizations of the country, as represented in the National Consular Reform Convention, have been contending for years.

The bill ought to be passed without further delay. The subject has been fully considered and the country now knows what it wants.

[Editorial from the Post-Intelligencer, Seattle, Wash., Mar. 21, 1912.]

CONSULAR SERVICE REFORM.

Representative Sulzer, of New York, chairman of the House Committee on Foreign Relations, has introduced a bill for the improvement of the Diplomatic and Consular Service which follows closely upon recommendations on this subject earnestly made by President Taft and by the Secretary of State. The matter of a reform of the Consular Service particularly is one which should have the largest interest to every one interested in expanding American commerce with foreign countries, and therefore it is of decided interest to Seattle, which is already a commercial city, with a large and expanding trade.

In the absence of legislative authorization, the President has done much in the direction of improving the Consular Service by Executive regulations governing appointments and promotions. The bill of Representative Sulzer gives legislative sanction to these regulations and therefore makes them permanent,

instead of being, as at present, mere regulations, 'subject to modification or suspension by any Secretary.

If the bill passes, there will be no consideration hereafter of the political affiliations of candidates for positions in the consular or minor diplomatic service; the sole prerequisite to appointments will be the successful passing of the prescribed examination; special efficiency will be recognized and brought officially to the knowledge of the appointing power, and promotions will be based thereon; the efficiency record will be preserved; the diplomatic secretaries and consuls will be appointed by grade instead of to specific posts, and orderly promotion will be made possible.

In short, the bill will give this country a distinct and well-equipped foreign office force, aloof from politics, graded according to efficiency and permanent, unaffected by political changes; a force of high value to the country in every respect. The bill certainly should be passed.

[From the Record, Columbia, S. C., Mar. 23, 1912.]

FOREIGN-SERVICE BILLS.

Two bills for the improvement of the Diplomatic and Consular Service of the United States are before Congress. The one introduced by Representative Sulzer, chairman of the Committee on Foreign Affairs, is indorsed by Huntington Wilson, Acting Secretary of State, in a circular letter. Mr. Wilson says the bill "is in harmony with the recommendations of the President and of the Secretary of State."

This bill provides "that the President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of places, subject to the advice and consent of the Senate in each case." The word "may" is used instead of "shall."

The Nelson-Foss bill, championed by Senator Nelson and Representative Foss, is more advanced and much stronger. "What would the President do about it?" is the natural question in considering the Sulzer bill. One President might bring about genuine civil service under its provisions; another might not. The commercial interests favor the better bill. In view of the crying need of an effective merit system in the Diplomatic and Consular Service, there ought not to be any "may" in the vital clauses of the bill that becomes a law.—Chicago Record-Herald.

[Editorial from the Tribune, Providence, R. I., Mar. 26, 1912.]

MAKING IMPROVEMENT PERMANENT.

The essential purpose and the chief merit of the Sulzer bill realting to the Consular and Diplomatic Service are making permanent an arrangement now resting solely upon Executive orders. This arrangement is that a bureau of appointments has been created which keeps careful records of the men in the service, from which it recommends to the President those who are worthy of protection, sets forth the qualifications that fit them for special fields and provides such other useful information concerning them as the President needs.

A system of examinations has also been established, which has become the normal avenue of appointment to secretaryships in the legations and embassies, and to the consulates. The system is a guaranty of fitness for consular and diplomatic work and of proper professional equipment for undertaking Government service. Recent appointments to the posts of minister and consul have been made rather generally by promotion from the secretaryships, but the system has not been in operation long enough to develop a surplus of secretaries with sufficient experience to make them ministerial and consular timber.

Now, the Sulzer bill proposes to give the new voluntary customs the sanction of legislation, and that is all it does. It does not compel the President to select secretaries and consuls from those who have passed the examinations or to fill the higher posts, when vacant, by promotion. Indeed, it could not go further toward making examinations compulsory and having appointments on efficiency records and requiring the filling of posts by promotion without abridg-

ing the powers vested in the President and Senate in the selection and confirmation of foreign-service appointees. To change this requires an amendment to the Constitution.

What the bill does secure is a list of eligibles who, under all normal conditions, will be appointed to the lower positions and allowed to work up to the enviable pos.s. It is extremely improbable that any future President will disregard the sanction of the system imposed upon him by this bill. The successful passing of prescribed examinations would be recognized as a desirable if not mandatory prerequisite for appointments, and efficiency would be sanctioned as the proper basis of promotion. A President who should act contrary to these principles would court harsher criticism than he could stand. The consideration of the political affiliations of candidates is prohibited by the bill and proportional representation of the various States and Territories in the service is provided for. Its enactment, then, would be of vital help in building up a useful foreign service.

[Editorial from the Dispatch, Columbus, Ohio, Mar. 25, 1912.]

LIGHT ON "DOLLAR DIPLOMACY."

"Dollar diplomacy," is the opprobrious name for the effort at Washington to improve the Diplomatic and Consular Service and make it a real help in the extension of international trade. That seems laudable and unobjectionable, but it may be understood why some persons sneer at it when it is understood that to accomplish that end it is proposed to provide for the appointment to the service, not of party and personal favorites, but persons whose fitness for the work has been determined by an examination.

The Sulzer bill now pending thus limits appointments of secretaries in the Diplomatic Service, consuls general, and consuls and provides for examinations including business experience and ability, the resources and commerce of the United States, with special reference to the development of export trade, international, commercial, and maritime law, and history. American history, government, and institutions, and one language other than English.

Should the bill pass a number of things would be insured. Consideration of the political affiliations of candidates would be prohibited; the successful passing of a prescribed examination would be legally recognized as a prerequisite for foreign-service appointments, and efficiency would be the only basis of promotion. There would be created a corps of public servants who would be efficient and helpful in the extension of trade and who, by aiding the producers of all commodities marketable abroad, would help all whom the producers employ and, directly or indirectly, add to the business prosperity of the country.

Is that what the people want? Or do they prefer the old style of service to which persons were appointed in return for election favors so that they might travel or study abroad and generally have a good time at public expense? It is true that there has not been a great deal of this inefficient service lately, but the reform as yet stands only on an Executive order. The purpose of the Sulzer bill is to give the new system permanency and make possible its improvement.

The "dollar diplomacy" phrase is the sneer of the incompetents and the frivolous. Nobody who thinks far will be fooled by it.

[Editorial from the Independent, New York, Mar. 28, 1912.]

We wish Congress would, by the enactment of a law like the Sulzer bill, make binding on the President what he is in the main doing of his own good will, namely, prohibit the question of politics in the appointment of consuls and diplomatic secretaries and other such employees abroad, and that they be appointed to grades instead of to specified posts, and be promoted according to efficiency, with examinations of candidates for such service. We should be thus relieved of some sad scandals, and business would be carried on more effectively. Conditions are now vastly better than they were 20 years ago and less, but there is still room for improvement and for the relief of the appointing power from embarrassment and suspicion.

[Editorial from the Express, Buffalo, N. Y., Mar. 22, 1912.]

ADVOCATE SULZER BILL.

Congressman Sulzer's bill to put the Consular Service on a basis of efficiency has received too little attention, although it has been free from criticism; but several citizens from different States, whose interest in genuine improvement—one would say in real reform, if the term were not becoming hackneyed—have appeared in Washington and made argument for the bill, Mr. Ansley Wilcox, of this city, being included among them as chairman of the committee of the National League.

The Sulzer bill is the effort to put into law what began to be put into practice when Senator Root was at the head of the State Department. Our Consular Service was so much outclassed by those of other countries that the business men of the Nation at last woke up to the fact that if they were to have a world trade they must have suitable representatives in foreign countries to cooperate with the manufacturers and shippers at home.

Year by year there was a slow improvement until President Roosevelt asked that there be a law to regulate the service and put it on proper basis. Congressmen were so eager for spoils to divide among their constituents that they refused to enact such a law as the President asked for. Then, under his power as Executive, an order was made by which the service was put under classified rules, and Secretary Root prepared those rules, with the result that several years' experience has proved their great value.

Now, the logical step to take is to put into law what has been already put into practice, and which is carried out even more effectually by the present Administration than ever before, as the machine has begun to run smoothly and thus fortify public service in foreign countries, so that it shall not be overturned by any subsequent Executive, without at once antagonizing the business sentiment of the Nation.

One would willingly stir that up when it would be certain to be unanimous in opposition, because, though politics may be politics, business is, after all, business, and the American reaching out for the control of the earth's traffic will let no political consideration stand in the way of business, and the American reaching out for the control of the earth's traffic will let no political consideration stand in the way of business efficiency.

[Editorial from the Evening Post, Chicago, Ill., Mar. 25, 1912.]

THE SULZER FOREIGN SERVICE BILL.

There are two bills before Congress which are intended, broadly speaking, to put the Consular and Diplomatic Services of the United States upon a civil-service basis. The bills are similar in many respects, and both of them unquestionably are intended to improve the condition of the foreign service. One of the bills, however, uses the word "shall," while the other uses the word "may," to effect reforms. "Shall" is declared by the best constitutional lawyers in Congress, Democrats and Republicans alike, to be unconstitutional, while "may," they think, will stand any test of the courts.

It is not necessary to go into all the details of these two merit measures. One of them was framed by Representative Sulzer, chairman of the House Committee on Foreign Affairs. Mr. Sulzer wrote the word "may" into his bill, and it has been approved by Secretary Knox and all the officials of the State Department who make foreign service and its needs their special concern. The Constitution of the United States gives to the President the appointment of consular and diplomatic officers. If a bill passes Congress which says that the President "shall" appoint men from the eligible list the ensuing law would be unconstitutional. The substitution of the word "may" would meet the constitutional requirements.

It is not to be supposed that if a law were passed providing for promotions and appointments by merit and creating, through proper examinations, an eligible list, any President of the United States would dare flout public opinion by refusing to make appointments from the list of eligibles simply because, under the Constitution, he thus could violate the spirit of civil-service reform, set back progress, and reward a few political favorites.

The vice president and secretary of the National Civil Service Reform League told the Foreign Affairs Committee a few days ago that the thing to do to promote the merit system in the consular and diplomatic services was to pass the Sulzer bill. They said that there were insurmountable obstacles in the way of passing the other measure, which is known as the Foss bill. They expressed the belief that the Sulzer measure would accomplish what civil-service reformers have been trying to accomplish, and what business men of the country have shown that they wished to have done. The Sulzer bill is approved by the State Department, by constitutional lawyers, without regard to party, and it is said to be approved by the President. This is no time to quarrel about trivialities. There is a need for a law governing appointments and promotions in the foreign service. The Sulzer bill is constitutional, and it should pass.

[Editorial from the Record-Herald, Chicago, Ill., Mar. 24, 1912.]

POLITICS AND CONSULAR REFORM.

Congressman Sulzer, chairman of the House Committee on Foreign Affairs, is reported as saying that in the Nelson-Foss bill for placing the United States Diplomatic and Consular Service on a merit basis can not pass the House because Democratic Members, having in mind the possibility of a Democratic President after next March, refuse "to throw away all the patronage in the foreign service which would result from the enactment of a strict merit bill," and that the bill introduced by himself "is the most that can be done at this time."

This is a frank confession that the spoils idea dominates many Democrats in the House. The Sulzer bill does not demand reform; it says the President "may" make appointments to grades instead of places in the Diplomatic and Consular Service. The Nelson-Foss bill makes mandatory a civil-service system.

The Democratic representatives who are so eager for political plunder as to stand in the way of bettering our notoriously bad foreign-service methods should be put on record. The business interests of the country are behind the Nelson-Foss bill and should insist on bringing that bill to a vote.

[Editorial from the Evening News, Newark, Mar. 21, 1912.]

SOUND BASIS FOR FOREIGN SERVICE.

The Sulzer bill for the improvement of the Consular and Diplomatic Service is very good as far as it goes. Its aim is to make permanent the present arrangement of the service, which now rests solely upon Executive orders, and may be abolished by any President who does not choose to continue it.

As it is, a bureau of appointments has been created which keeps careful records of the men in the service, from which it recommends to the President those who are worthy of promotion, narrates the qualifications that fit them for special fields, and provides such other useful information concerning them as the President needs.

A system of examinations has been established which has become the normal avenue of appointment to secretaryships in the legations, embassies, and to the consulates. The system is a guaranty of fitness for consular and diplomatic work; of proper professional equipment for undertaking the Government service.

Recent appointments to the posts of minister and consuls have been made rather generally by way of promotion from the secretaryships and to as full an extent, perhaps, as possible. The system has not yet been in operation long enough to develop a surplus of secretaries of sufficient experience to make them ministerial and consular timber.

The Sulzer bill proposes to give these new customs legislative sanction. That is as far as it goes. It does not compel the President to select secretaries and consuls who have passed the examinations or to fill the higher post, when vacant, by promotion. In order to protect the service from dry-rot, very likely the President should not be bound so tightly that, under no circumstances, can he fill a post from outside of the service.

But the bill can not go further toward making examinations compulsory, and basing appointments on efficiency records, and compelling the filling of posts by promotion, without abridging the powers vested in the President and the Senate in the selection and confirmation of foreign-service appointees. This can not be accomplished except by an amendment to the Constitution.

What the bill does secure is a list of eligibles who, under all normal circumstances, will be appointed to the lower positions and allowed to work themselves up to the enviable posts. It is very improbable that any future President will disregard the sanction of the system imposed upon it by this bill. The successful passing of prescribed examinations would be recognized as a desirable, if not mandatory, prerequisite for appointments, and efficiency would be sanctioned as the desired basis of promotion. A President who acted contrary to these principles would court harsh criticism.

The bill would work to the benefit of the men in the service to the extent that it requires the submission of their records to the notice of the President at the time when promotions, transfers, or appointments are to be made.

The bill further provides for the classification and grading of posts and—a new feature—for the appointment of secretaries and consuls to grades instead of to specified posts; the latter is the natural correlary to the grading of the service. It makes provision for the publication of the reports of the examining boards also, insuring a certain measure of publicity to act as a check upon any attempt to depart from the spirit of the system.

The consideration of the political affiliations of candidates is prohibited in the bill, and proportional representation of the various States and Territories in the service is provided for.

All that the bill aims to secure should be secured. It is vital to the successful building up of a useful foreign service.

[Editorial from the New York Tribune, Mar. 13, 1912.]

PROTECTING THE FOREIGN SERVICE.

Representative William Sulzer, chairman of the House Committee on Foreign Affairs, has introduced a bill which, if passed by this Congress, will effectively protect the foreign service against a recurrence of the abuses of the spoils system. It follows the lines of the Lowden measure, which was submitted to the last Congress with the hearty approval of the Secretary of State. Its main purpose is to give statutory force to the regulations governing appointments and promotions in the Diplomatic and Consular Service which have been embodied in Executive orders by President Roosevelt and President Taft.

The present administration, by the order issued November 26, 1909, bound itself to observe certain rules in making nominations and promotions, these rules being intended to eliminate favoritism and political influence, to secure proper proportional representation to all the States, and to establish fitness as the sole qualification for entrance into the foreign service or advancement within it in all grades below that of minister. By limiting initial appointments to vacancies in the lowest class of consulates, or in third or second secretaryships, and providing for promotion from one grade to another solely on the basis of efficiency records the door has been shut against unworthy applicants and influences.

But the orders of one President may be canceled or ignored by his successor. It would be wise, therefore, for Congress to give legislative sanction to the regulations now established by Executive action, so that no future administration could of its own motion undo the notable improvements made in the conduct of the foreign service in recent years.

[Editorial from the Press, New York, Mar. 14, 1912.]

SULZER'S FOREIGN SERVICE BILL.

Representative Sulzer's bill for the improvement of the foreign service of the United States is one of those few legislative measures upon which there is no party division, but in regard to which the line-up finds on one side those in

both parties who aim for governmental efficiency, and in opposition the spoils-men of whatever profession of faith.

The State Department, through Acting Secretary Wilson, assures us that the Sulzer bill would mean the development of a foreign service capable of giving substantial assistance to American manufacturers and exporters. Its enactment would provide legislative sanction for the existing Executive regulations governing appointments and promotions in the Diplomatic and Consular Service, make permanent the great improvement already brought about, and lay the basis for further betterment.

Principles for which the commercial bodies of the country have contended for years are embodied in Representative Sulzer's measure. It harmonizes with Presidential and State Department recommendations, and if anything in its scheme is unsound nobody has discovered it. If the Sulzer bill were passed these benefits would be insured.

Consideration of the political affiliations of candidates would be prohibited.

Successful passing of the prescribed examinations would be legally recognized as a prerequisite for foreign service appointments.

Efficiency would be the only basis for promotion.

Special efficiency of diplomatic secretaries, of consular officers, of departmental officers and employees, and of all persons who have passed the prescribed examinations would be brought to the attention of the President when recommendations for first appointments, promotions, and transfers are submitted to him.

Efficiency records would be kept of diplomatic secretaries, of consular officers, and of officers and clerks of the Department of State.

Proportional representation of the several States and Territories in the foreign service would be published at the close of each examination.

Diplomatic secretaries and consuls would be appointed to grades instead of to specified posts.

Orderly promotion would be made possible by the grading of diplomatic secretaryships.

The scope and frequency of examinations would be legally established.

Examining boards would be legally established.

Reports of the examining boards would be in writing and would be published.

The constitutional provision requiring the concurrence of the Senate to make the appointment of diplomatic and consular officers effective would not be changed.

Mr. Sulzer's long experience in the House and his equipment to deal with this subject as chairman of the Committee on Foreign Affairs make it unlikely that the schemes of his bill could be anything but advantageous to the diplomatic and commercial interests of the United States abroad. It is fully in line with the tendency to establish the business of government on a business basis and take it as far as possible out of petty politics.

[Editorial from the Inquirer, Philadelphia, Pa., Mar. 14, 1912.]

TO IMPROVE THE FOREIGN SERVICE.

Representative Sulzer has introduced a bill "for the improvement of the foreign service" which responds to the requirements of the situation in view, which conforms to the recommendations of the President and the Secretary of State, and which ought without any undue delay to be enacted into law. It is intended to increase and secure the efficiency of the Consular and Diplomatic Service by definitively taking it out of politics and establishing it upon a business basis. To this end it proposes that all appointments of secretaries in the Diplomatic Service, and of consul generals and consuls, shall be made by the President to grades instead of places, subject, of course, in every instance to the advice and consent of the Senate. To this end it directs the Secretary of State to report to the President from time to time the names of those who on their records deserve promotion, and also the names of such as shall upon examination have proved their fitness for appointment to the lower grades.

It provides for the organization of two examining boards, one for the diplomatic department, to consist of an Assistant Secretary of State, a representative of the Civil Service Commission, a law officer of the State Department, and of one other officer whom the Secretary of State is to name; and another for

the Consular Service to be composed of the administrator of the service, of the chiefs of the Consular and Trade Relations Bureaus, and of one other person to be designated by the Civil Service Commission. The examinations, which are to be held at least once a year, are to be comprehensive in their scope and practical in their character. They are to be conducted with strict impartiality and without regard to the political or other affiliations of the candidate, and their result, which must be made public, is to be certified to the Secretary of State, who will in this way be furnished with a list of persons, who have in the manner prescribed demonstrated their eligibility, from which to make his recommendations.

It will be understood that the object and effect of all this will be to base appointments on fitness instead of influence; to make sure that appointees shall be qualified to discharge their duties with a maximum measure of ability; and by removing them from the hazard of arbitrary removal and conditioning their advancement exclusively on merit, to convert employment in the two services in question into a career which will attract and retain a superior class of men. There is no room for two opinions as to the great desirability of this reform. A beginning in its achievement has already been made through the spontaneous and voluntary initiative of the President and of the State Department. It has been felt that the foreign interests of the United States could only be properly protected and promoted through the instrumentality of trained men holding their offices on good behavior and assured of a promotion in accordance with their deserts; and to an important degree the principle which the Sulzer bill embodies has been successfully applied.

At present, however, the continuance of the reformed system rests entirely with the Executive, and the desideratum is to give it the sanction and the binding force of law. This will be accomplished by the passage of the present measure, and in this way the United States will secure an equipment for the development of its foreign trade comparable with that possessed by every first-class European power, an equipment which is indispensable to the acquisition by this country of its due share of business in the markets of the world.

[Editorial from the Republican, Springfield, Mass., Mar. 13, 1912.]

Our Diplomatic and Consular Service has, upon the whole, been put upon a much improved basis within the last seven years under Elihu Root and Secretary Knox. While various unfortunate lapses from the professed policy as to appointment by merit prevent unqualified praise, progress has been made. But it was clearly recognized by Mr. Root when he instituted his reforms that they could only be achieved gradually, and the bill for "consular and diplomatic reform" which became law several years ago was far from going to the full extent which he held desirable. A bill is now pending in the House, introduced by Congressman Sulzer, chairman of the Foreign Relations Committee, which appears to go further and should therefore receive favorable attention. It would prohibit consideration of the political affiliations of candidates for either the diplomatic or consular service, would legally establish the examination system in appointments to foreign posts, and make efficiency more clearly the basis of promotion. Time was when, except for the various literary figures who adorned it, our foreign service was little short of a disgrace. That period has passed—and so, unfortunately, have the literary representatives like Lowell at London, Howells at Venice, and others—but the foreign service is still far from what it should be.

[Editorial from Bradstreets, New York, Mar. 16, 1912.]

IMPROVING THE FOREIGN SERVICE.

There is, we believe, general concurrence in the belief that there has been in recent years a distinct improvement in the organization of the foreign service of the United States. A powerful impulse in the direction of improving conditions in the great body of the foreign service, both diplomatic and consular, was given by Senator Root when he filled the office of Secretary of State, and his successor, Secretary Knox, has brought a similar spirit to the administration of this branch of the Federal service. In his message of December 7 last,

in which he dealt with the foreign relations of the United States, President Taft directed attention to the fact that the men selected for appointment by means of the existing Executive regulations, making a partial application of civil-service rules to the Diplomatic and Consular Service, have been of a far higher average of intelligence and ability than the men appointed before the regulations were promulgated. He declared, moreover, that the feeling that under the existing rules there is reasonable hope for permanence of tenure during good behavior and for promotion for meritorious service has served to bring about a zealous activity in the interests of the country which never before existed or could exist.

A further step in the direction of improving the foreign service is now proposed in a bill introduced by Mr. Sulzer, the chairman of the House Committee on Foreign Affairs. This bill provides that the President may make all appointments of secretaries in the Diplomatic Service and of consuls general and consuls to grades instead of to places, subject to the advice and consent of the Senate in each case. It directs the Secretary of State to report from time to time to the President, along with his recommendations for promotion, or for transfer between the department and the foreign service, the names of those secretaries in the Diplomatic Service and the names of those consular officers or departmental officers or employees who, by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon examination to have fitness for appointment to the lower grades of the service. The secretaryships in the Diplomatic Service are graded and classified, and boards of examiners for that service and for the Consular Service are established, consisting of officers of those services in conjunction with officers designated by the Civil Service Commission.

The scope and method of the examinations is to be determined by the boards of examiners, but the examinations must include business experience and ability, the resources and commerce of the United States with special reference to the development of export trade, international, commercial, and maritime law and history, American history, government, and institutions, and one language other than English. The examinations are to be held annually, and to be conducted with strict impartiality, and without regard to the political or other affiliations of any candidate. The reports of the boards of examiners are to be made public, and at the same time the Secretary of State is required to make a public statement of the proportional representation of the different States and Territories in the foreign service.

This is a measure which should be placed upon the statute book. It aims to build a foreign service whose personnel will be trained and capable and in which efficiency will be the only basis for promotion. One of its results will be that the names of persons who have demonstrated their efficiency will be brought to the attention of the Chief Executive when recommendations for appointments or promotions are submitted to him. Its enactment is advocated by the State Department for the reasons that it would give legislative sanction to the existing Executive regulations governing appointments and promotions in the Diplomatic and Consular Service, make permanent the great improvement already brought about, and lay the foundation for still further improvement in the future. The measure should receive the hearty indorsement of business men, because it promises the development of an increased degree of ability and efficiency in the governmental agencies through which the growing foreign commerce of the country will be promoted and protected, while it affords the promise of a secure career for young men of character and attainments in a most useful and important service where merit will be the test of advancement.

[Editorial from the Times, New York, Feb. 28, 1912.]

LEGALIZING REFORMS.

Representative Sulzer has introduced in the House a bill which practically gives the force of law to the Executive orders of 1906 and 1909 for the improvement of the foreign service, and somewhat extends them.

Under this bill provision is made that all applicants for appointment in the lower grades of the service shall undergo a strict and practical examination in "business experience and ability; the resources and commerce of the United

States, with special reference to the development of export trade; international, commercial, and maritime law and history; American history, government, and institutions; and one language other than English." The Secretary of State is required to report the names of those found on examination to have fitness for appointment to the lower grades of the service, and also "the names of those secretaries in the Diplomatic Service and of those consular officers or departmental officers or employees who, by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency." Further, the President is authorized to make all appointments of secretaries, consuls general, and consuls to grades instead of to places.

These provisions have partly been in force under Executive order for from three to six years, and have worked admirably. They should have the force of law, which is given to them by Mr. Sulzer's bill.

THE AMERICAN CONSULAR SERVICE.

[From the American Journal of International Law for October, 1907.]

The Consular Service of the United States has been for a long time the object of a great deal of criticism, some of which unfortunately has been well founded but much has been due to imperfect acquaintance with the legitimate functions of consuls and, therefore, to lack of ability to judge accurately of their shortcomings. It is of interest to note that of recent years the criticism has been for the most part confined to our own country, while from the people of other nations our consuls have received unstinted praise for their activity and efficiency, and our system has been frequently held up abroad as a model after which to reorganize some of the older European systems the virtues of which it has been the custom of our people to extol. But while it is true that in many respects our consuls have shown themselves the equals if not the superiors of the consuls of other nations, the fact remains that our service has been uneven in point of efficiency; there has been no satisfactory organization; little care has been exercised in the selection of persons for appointment; and the salaries and equipment have been far from adequate. Repeated attempts to correct these defects have been made during a period dating almost from the beginning of the Government, but, with the exception of the improvements made in 1856, all these attempts have failed largely because they lacked the support of any considerable public sentiment.

The great majority of our people have been so busily engaged in the development of the immense resources of the country that until recently they have had little occasion to interest themselves in the character or usefulness of our representatives abroad. But the growth of our foreign commerce and the closer relations which our people enjoy with the peoples of other nations have given rise to a demand for a better consular service in response to which a law was passed last year making possible for the first time the organization of the consular system in a manner calculated to develop its efficiency and usefulness. The importance of that law can be more fully appreciated after a brief account of the condition of the Consular Service in the past and of the efforts made to improve it.

By the treaty of amity and commerce concluded with France on the 6th of February, 1778, the United States first formally recognized the right of consular representation. That treaty granted mutually the right of each nation to appoint in the ports of the other consuls, vice consuls, agents, and commissaries, and stipulated that their functions should be regulated by a particular agreement to be negotiated later. Unlike France, the United States did not at once take advantage of the rights conceded by the treaty, and continued to rely upon its political and commercial agents abroad for the performance of consular functions in case of need. The necessity for some officer to perform these functions had become apparent as early as 1776, when Silas Deane and Thomas Morris, who had been sent to France to represent the Colonies as political and commercial agents, found that they were not infrequently called upon to care for American seamen and vessels. After the arrival in Paris of Benjamin Franklin and Arthur Lee, who undertook with Deane the negotiations of the treaty of commerce, the purely consular duties, in addition to the purchase of supplies and the promotion of commerce, became so burdensome that they interfered seriously with the satisfactory discharge of

the more important diplomatic work with which the commissioners were charged. Early in 1778 complaints from the commissioners began to reach Congress, and in May of that year John Adams, who had been elected a commissioner in place of Deane and had arrived in France in April, criticized severely the system of combining the business of a public minister with that of a commercial agent. In July the commissioners unanimously recommended to Congress the appointment of consuls, and the following year Franklin wrote: "We have long since written to Congress advising and requesting that consuls might be appointed, and we have expected every day for some months intelligence of such appointments." (3 Wharton: Diplomatic Correspondence, p. 35.)

And again:

"Commercial agents * * * and the captains are continually writing for my opinion or orders or leave to do this or that, by which much time is lost to them and much of mine taken up to little purpose from my ignorance." (3 Wharton: Diplomatic Correspondence, p. 191.)

Other agents wrote to like effect, but Congress does not appear to have made any effort to relieve the commissioners of their commercial functions until November 4, 1780, when it elected Col. William Palfrey, paymaster general of the Continental Armies, the first consul of the United States. Col. Palfrey was to reside in France and was to receive a salary of \$1,500 a year in lieu of the usual commissions for business done on account of the United States. His functions were to be similar to those of a consul general, and he was to have supervision of all fiscal matters of the United States in France. Unfortunately his ship was lost in a storm, and uncertain of what may have been his fate, Congress resolved January 21, 1781, that Thomas Barclay be appointed a vice consul to exercise "all the powers and perform the services required of William Palfrey." The vice consul was to be allowed a salary of \$1,000 a year in lieu of all commissions.

While by the treaty with France it had been agreed to receive and send consuls, there was nothing in any treaty or act of congress outlining their rights and duties, and inasmuch as France had promptly sent consuls to American ports, the extent of consular authority had become an important question. On February 23, 1779, the council of Massachusetts Bay asked Congress to define the powers which might be exercised by foreign consuls in American ports, and a special committee was appointed to confer with M. Gérard, the French minister. That officer took advantage of the opportunity to present to Congress an outline of a convention based upon the section in relation to consuls in the treaty of 1778. In an accompanying memorial he set forth the difficulties experienced by foreign consuls in exercising their functions under the State governments which still retained within their control the legislative and administrative regulation, of foreign commerce, and many of the judicial powers which were later vested in the Federal Government. He also made clear the desire of France to secure a larger share of the trade of America than it then possessed.

Little progress was made, however, until July, 1781, when Luzerne, who had succeeded Gérard as minister, again brought the subject to the attention of Congress. (4 Wharton: Diplomatic Correspondence, p. 604.) In January of the following year a plan for a consular convention was adopted and forwarded to Franklin in Paris, with instructions granting him much discretion as to the form in which it might be agreed upon, but directing him especially to insist upon the substance of it. Franklin clearly disregarded the wishes of Congress and permitted the French negotiator to modify the plan in several important particulars before the convention was finally signed on July 29, 1784.

Although Congress had changed its opinion as to the desirability of concluding a consular convention, and had even forwarded instructions to Franklin to delay signing, the convention when received was referred to Jay, then minister for foreign affairs, for examination. It was found to be objectionable in several respects in that it was not only not in accord with the plan agreed upon by Congress, but gave to consuls jurisdiction over the vessels of their respective nations which would enable them to arrest and return to the home country any vessel, master, or seaman, to regulate emigration, and to exercise powers of a judicial nature which belonged properly to the courts. Personally Jay was unfavorable to a consular convention, but in the circumstances he recommended the negotiation of a new treaty which, after much delay, was signed on November 14, 1788, by Jefferson, who had succeeded Franklin as minister. The convention was unanimously ratified by the Senate the following year.

Jefferson returned to the United States and assumed the duties of Secretary of State on March 22, 1790, and upon him fell the task of organizing a consular system. His work was attended by many practical difficulties. Although Congress had for several years recognized the need of consular officers and provision for their appointment had been made by the Constitution which had been lately adopted, there was no law or regulation which in any way outlined a consular system or set forth the nature of consular duties. Even the policy of providing salaries for consuls inaugurated when Palfrey and Barclay had been elected to serve in France, had been abandoned by the resolution of 1785, which, in opposition to the repeated protests of Franklin and Adams, had combined the diplomatic and consular services by conferring the title of consul general upon ministers and *chargés d'affaires*. The lack of any consistent policy on the part of Congress was shown three months later when a consul was named for Canton, China, who was to serve without salary.

It was in this condition with not fixed method of appointment or compensation that Jefferson found the consular system when he assumed the direction of our foreign relations. The requirements of our commerce and shipping made it desirable to increase the number of consuls without waiting for the enactment of laws, and in less than three months after Jefferson became Secretary of State eight persons were appointed to consular offices, and by the latter part of August, 1790, 16 consular officers, 6 consuls, and 10 vice consuls had been appointed. They were to receive no compensation, but were permitted to engage in trade.

Jefferson undertook to define their duties in his circular of August 26, 1790 (State Department, Foreign Letters, p. 399), addressed to the consuls and vice consuls of the United States. He directed them to report to him every six months in detail concerning American vessels that may have entered or cleared from their respective ports, to supply him from time to time with political and commercial information of interest to the United States, and to report upon all military preparations that might take place in their ports, and should war appear imminent, to notify American merchants and vessels in order that they might be on their guard. Consuls were authorized to appoint agents to represent them in the several parts of their districts.

At the beginning of the next session of Congress the President asked the attention of that body to the consular convention with France, and the necessity for legislation to carry its stipulations into effect, and also to the importance of providing regulations for the exercise of consular jurisdiction, whether permitted by treaty or by friendly indulgence. Although a bill for the purpose indicated in the President's address had been pending in Congress, the short session passed without anything being done, and it was not until April 14, 1792 (1 Stat. L., p. 256), that a law was enacted. This law, primarily for the purpose of carrying into effect the consular convention with France, was the first legislative attempt to define the powers and duties of consular officers. It authorized them to receive protests and declarations of captains, masters, crews, passengers, and merchants who might be American citizens; to authenticate copies of documents, to take charge of and settle the estates of American citizens dying abroad and leaving no legal representative, to care for American vessels that might become stranded on the coasts of their consulates, to receive certain fees for authenticating documents and settling estates, to relieve distressed American seamen, and to require masters of American vessels, under penalty of a fine, to convey such seamen to their homes without charge, on condition that the seamen should work during the passage, and to require the master of a vessel sold in a foreign port to provide for the return of the seamen thereon. The act also required consuls to give bond for the faithful discharge of their duties and obligations, permitted the payment of salaries of \$2,000 each to consuls in the Barbary States in case it should become necessary to appoint them, and authorized consuls to exercise such additional powers as might result from the nature of the office or from any treaty or convention under which they might act.

The duties of consuls in relation to seamen and vessels were enlarged by the act of February 23, 1803, and later acts, and the additional duty of administering oaths to exporters of merchandise upon which an *ad valorem* duty was collected in American ports was added by the act of March 1, 1823, but the act of 1792 continued for more than half a century to be the only law of importance in relation to consular officers.

While Congress had failed to make provision for anything in the nature of a consular system, Jefferson, before his retirement, had established general rules in accordance with which appointments were made and consular business conducted. In harmony with the views long before expressed by Franklin, Adams, Jay, and himself, he adopted the principle that none but American citizens should represent the United States as consuls. If it was found that no American citizen was available at a port where it was desirable to appoint a consular officer, a reputable foreign subject was chosen and made vice consul. As, with the exception of consulates in the Barbary States, no salaries were provided for these offices, the Americans available for appointment were, as a rule, engaged in mercantile or other pursuits.

In the appointment of merchant consuls, the United States had merely followed the practice of some of the continental nations, and was forced to contend with conditions much less favorable than those with which the older European nations had to deal. By reason of long-continued foreign intercourse, many subjects of those nations resided in foreign ports, were well established in trade, and were men of influence and responsibility. Commercial interests suffered little when confided to their care, and official remuneration bore a less important relation to their usefulness as consular representatives. But it was different with the United States. The Nation was new and our people had few prosperous commercial houses permanently established abroad. The Government was therefore unable for the most part to select from among its citizens in the various foreign ports persons whose circumstances enabled them to hold the office of consul and to discharge the duties in an efficient and satisfactory manner for the slender and uncertain emoluments derived from fees. A large majority of the persons appointed desired the office of consul for their own personal benefit. When an American citizen undertook to establish himself abroad in some commercial occupation in a port where the United States was not represented by a consular officer, it was usual for him to seek the prestige, with the consequent aid to his business enterprises, which his appointment as consul would afford. With the help of influential friends, whose solicitations it was not easy to resist, he was generally able to bring about his appointment. It was not unnatural that in many cases men so appointed should have regarded the office primarily as an aid in building up a profitable business, often at the expense of other merchants in the port, over whom the office of consul gave them undue advantage. Not infrequently their business ventures proved unsuccessful, and the emoluments of the consular office far below what they were led to expect. Alone in a foreign land amid such difficulties as these it is not strange that some of them were forced to resort to means of eking out a livelihood which injured and frequently destroyed their official usefulness.

The growth of the trade and the development of the commercial intercourse of the United States with foreign countries were accompanied by new duties and responsibilities for consular officers. In its desire to promote the interests of shipping, Congress was gradually enlarging consular jurisdiction over shipmasters and seamen, and in conferring these additional powers, without at the same time providing more effective means of exercising control over consuls, great opportunity for misconduct was afforded. Moreover, there was no uniform rule as to the manner in which these services were to be performed or the fees that should be charged for them. Some consuls charged one fee and some another, and the fact that the fees belonged to the officers collecting them gave encouragement to the growing practice of charging as large a fee as could without too great difficulty be collected, and led to endless controversies with masters of vessels and citizens in foreign ports.

The unsatisfactory conditions impressed those in authority with the necessity for a law to place the Consular Service upon a more dignified basis and make it reasonably amenable to administrative control.

The early advocates of reform directed their efforts toward the accomplishment of three things: (1) a revision and extension of the schedule of fees; (2) a more precise definition of the duties and powers of consuls; and (3) the substitution of salaries for the unsatisfactory and inadequate compensation derived from fees.

As early as 1816 a fruitless effort had been made by the Secretary of State to have fixed salaries for at least the more important consuls, but it fell to the lot of Mr. Van Buren, Secretary of State in 1830, to begin the series of reform movements which were to continue for so many years and finally result in the enactment of the general law of 1856. On February 10, 1830 (S. Rept. No. 57, 21st Cong., 2d sess.), and again the following year he called attention of the

Senate Committee on Commerce to the necessity of at least defining the fees to be collected by consuls. He described existing practices, which, he said, produced great inconvenience and embarrassment to consuls, led to unpleasant collisions between them and their fellow citizens, and to endless criminations and recriminations on both sides, which tended to injure the national character of the United States in the estimation of foreigners and to bring the consular system into disrepute. Before preparing his recommendations Mr. Van Buren had obtained reports from many of the consuls, and with his communication of February 1, 1831 (S. Rept. No. 57, 21st Cong., 2d sess.), he transmitted a report from Daniel Strobel, then consul at Bordeaux, who compared the American system with the systems adopted by foreign nations, and pointed out that Great Britain, France, Spain, Portugal, and Russia, at that time the principal commercial nations, had succeeded in greatly improving their consular systems by reducing the number of fees, paying their consuls by fixed salaries, and prohibiting them from engaging in trade.

At the beginning of the next session of Congress, President Jackson called the particular attention of that body to the desirability of speedily revising all the laws relating to consuls, and announced his purpose of communicating at a later date a full report upon the subject from the Secretary of State. (Richardson: Messages and State Papers, vol. ii, p. 554.) Meanwhile, Mr. Van Buren had been succeeded by Edward Livingston, and upon him devolved the task of preparing some definite plan. How well he did the work was appreciated when on March 2, 1833, President Jackson laid his report before Congress. (S. Doc., No. 83, 22d Cong., 2d sess.) It was by far the ablest argument made by anyone up to that time in favor of a better organized and more adequately paid consular system, and it formed the basis of nearly all the important changes which were afterwards proposed. In regard to the existing system Mr. Livingston said:

"Our consuls, with very few exceptions, are commission merchants, anxious, like all other merchants, to increase their business and obtain consignments. In many, perhaps the greater number of cases, the place is sought for chiefly for the advantage and the influence it will give to extend the commercial affairs of the officer. Can it be believed that this official influence will always be properly exercised? When it is, will not contrary suspicions be entertained? This must create jealousy, detraction, and all the arts that rivalry will exercise and provoke, amidst which the dignity of the public officer is degraded and his influence with the foreign functionaries lost. The consul at least, therefore, if not the vice consul, ought to be salaried officers. They will never, then, by their countrymen, be suspected of acting toward them as their commercial interest, not as their duty, requires; and their complaints in behalf of their fellow citizens will be attended to, because they will not be liable to the suspicion of advocating their own interest; consular offices would no longer be held in countinghouses, nor the consul himself called from defending the case of an American citizen to sell a barrel of sugar or to dispatch the settlement of an account."

He therefore proposed to have 30 consuls who should receive salaries of \$2,000 each, and 126 vice consuls and commercial agents who should receive salaries averaging \$1,000 each. According to his estimate the entire salary list would not amount to more than \$186,000.

Mr. Livingston urged further that the rights, privileges, and duties of consuls should be more precisely defined, and himself prepared a pamphlet of instructions as far as could be done without legislation for the guidance of consuls in the performance of their duties. He was strongly opposed to the collection of fees by consuls as a means of defraying the expenses of the system, and held that it was not only an unjust tax upon commerce, which it was important to relieve of unnecessary burdens, but that it singled out consular officers as a class distinct from other public officers whose entire compensation was provided from the Treasury.

Convincing as these arguments were that some improvement in the consular system should be made, they failed to impress Congress sufficiently to induce it to act. A similar fate befell the plans submitted to that body in 1838 (H. Ex. Doc. No. 467, 25th Cong., 2d sess.), and 1844 (H. Rept. No. 166, 28th Cong., 1st sess.), although in the latter year a bill was introduced by Senator Semple, but was indefinitely postponed. (Speech of Hon. J. W. Patterson, May 11, 1864, Pamphlets, United States Consular Service, vol. iii, Department of State Library.) That these continued efforts in the direction of reform were having some effect, however, was apparent from the action of a select committee of

the House of Representatives in 1846 (H. Rept. No. 714, 29th Cong., 1st sess.), reporting a bill somewhat along the lines advocated by Secretary Livingston, with the addition of a provision designed to secure reasonable permanency of tenure. It was evident that the committee had inquired carefully and intelligently into the existing consular system and had become convinced that radical changes were required to make it adequate to the needs of the rapidly increasing commerce.

The Secretary of State, Mr. Buchanan, who was requested by the committee to report upon the bill, reviewed the whole subject in detail and strongly recommended that Congress should specify the number and compensation of consuls and vice consuls, and should create a new grade of consuls general to be used only where foreign Governments were represented by officers of that grade. He also urged the enactment of a general law which should revise the scattered statutes relating to consuls, define clearly their duties and powers, and prescribe the fees to be collected by them. His recommendations were not acted upon, however, and nine years elapsed before any further effort was made.

In 1854 a bill to remodel the Diplomatic as well as the Consular Service was prepared and presented to the House of Representatives by Mr. Perkins, of Louisiana (H. Rept. No. 348, 33d Cong., 1st sess.), who had made a careful study of the subject and whose able advocacy of the bill in Congress was instrumental in securing the adoption of the measure by a majority of the Members of that body. This measure went much further than any one of the previous plans, and it embodied the essential features of all of them.

When it became a law on March 1, 1855, and was submitted to the Attorney General for interpretation it was found to contain so many defects (8 Op. Attorneys General, pp. 189, 243), that the following year Congress was induced to pass a similar law free from these objectionable features, entitled "An act to regulate the diplomatic and consular systems." (Act of Aug. 18, 1856, 11 Stat. L., p. 64.) The main purpose of this law was to gather into one general scheme the large number of unrelated and practically independent offices, classify them according to a definite plan, prescribe rules and regulations under which they should be conducted, and provide more certain and adequate compensation. The more important posts were divided into two classes, and the consuls in these classes were to receive salaries in lieu of all commissions and fees for services rendered by them. The officers in the first class, who were to receive salaries of from \$1,500 to \$7,500, were prohibited from engaging in any business, while those in the second class, who were to receive salaries of from \$500 to \$1,000, were permitted to engage in business. All the officers not enumerated in the two classes described were to be compensated as before by the fees they might collect for their official services. Other sections of the act brought together the scattered statutes defining the duties of consuls, revised and supplemented them and conferred full authority upon the President to prescribe regulations which should have the force of law for the guidance of consuls in the performance of their duties. It was at last made possible to bring about some reasonable degree of accountability on the part of consuls in respect not only to the income of their offices, but to their conduct, reports, absences, and miscellaneous duties.

It was the intention of the framers of the act to make it the beginning of a permanent Consular Service to be composed of men of experience who had grown up in the work. To this end the act authorized the President to appoint 25 consular pupils at salaries not to exceed \$1,000 a year. These officers were to be examined before their appointment, and were to be assigned to consulates in the discretion of the President. At the next session, however, Congress not only refused to appropriate the amount necessary for their salaries, but repealed the section authorizing their appointment. Through persistent effort on the part of the President and friends of reform in Congress, in 1864 the provision was restored in part by creating a corps of 13 consular clerks, with salaries of \$1,000 a year, who were to hold office during good behavior and could not be removed except for cause stated in writing and submitted to Congress. (Act of June 20, 1864, 13 Stat. L., p. 139.) A later act gave consular clerks \$1,200 a year after five years of service. (Act of June 11, 1874, 18 Stat. L., p. 70.) But the original purpose of creating this corps of officers failed because the lack of permanency of tenure in the higher offices of the service made consular clerks unwilling to accept promotion.

A further effort to insure the appointment of capable men as consuls was made in 1866, when an order was promulgated requiring all applicants for con-

sulships to present themselves for examination before a board consisting of the Second Assistant Secretary of State, the examiner of claims, and the officer in charge of the consular division. Only one examination appears to have been held under this order, and of the nine candidates examined, two were found not to be qualified, one because lacking in knowledge of foreign languages, and the other because of general incompetency. The next step was the promulgation of the Executive order of April 16, 1872, which was soon superceded by that of March 14, 1873. These orders were issued under the civil-service act of March 3, 1871, and provided that vacancies in any grade of consulates or clerkships in the Department of State might be filled either by transfer from some other grade in the clerical, Consular, or Diplomatic Service under that department; by the appointment of persons who had previously served satisfactorily under the Department of State; or by the appointment of persons who had produced satisfactory references as to character, responsibility, and capacity, and who had, on examination, been found to possess the necessary qualifications. The board of examiners was composed of three officers of the Department of State, and a number of persons were examined during the years 1873 and 1874. It is said that the system worked well, and resulted in the improvement of the Consular Service; but it was given up contemporaneously with the suspension of the work of the Civil Service Commission by the refusal of Congress to make the necessary appropriations for the support of that body.

Irregularities which had been revealed from time to time and the lack of any method of determining the fitness of candidates for appointment and of any permanency of tenure led to a series of attempts to improve the organization of the service and remove it from the influence of politics. As early as 1868 a bill was prepared by Representative Patterson to grant salaries to all offices which were necessary and to abolish all others; to grade the service; to regulate the appointments by competitive examinations and encourage efficiency by promoting consuls in the lower grades to vacancies in the higher ones. (S. Rep. No. 154, 40th Cong., 2d sess.) A similar bill passed the Senate in March, 1872 (H. Misc. Doc. No. 61, 42d Cong., 3d sess.), but got no further, and the subject appears to have been dropped until 1884, when President Arthur and Mr. Frelinghuysen, then Secretary of State, strongly urged Congress to provide suitable salaries for all consuls; to require all fees of whatsoever description to be paid into the Treasury; to establish a rigorous system of inspection; and to abolish the office of consular agent and substitute in its stead that of salaried vice consul, in accordance with the custom of foreign nations. (H. Ex. Doc. No. 121, 48th Cong., 1st sess.; H. Ex. Doc. No. 146, 48th Cong., 1st sess.) Again in 1886 a bill was urged in which was included provision for a graded service with promotion based upon efficiency. (H. Doc. No. 121, 48th Cong., 1st sess.) Congress manifested no interest in the subject, however, and no further effort was made until 1895. In that year François S. Jones, a clerk in the Department of State, who had given some attention to the study of foreign consular systems, particularly that of France, drafted a bill which was introduced in the Senate by Senator Morgan, of Alabama, and reported favorably from the Committee on Foreign Affairs. (S. Rep. No. 886, 53d Cong., 3d sess.) The bill proposed to remodel the Diplomatic as well as the Consular Service, and followed in principle the other bills which had been proposed since 1856. While it received no special attention from Congress, it served to direct attention to the subject and revive the efforts that had been made in the direction of improvement.

Although at the beginning of his second administration President Cleveland had made an unusual number of changes in the personnel of the Consular Service, toward the end of that administration, in the autumn following the failure of the Jones-Morgan bill, he undertook to regulate, in part at least, the selection of candidates for consular appointments by ordering, on September 20, 1895, that any vacancy in a consulate with compensation of over \$1,000 and not more than \$2,500 should be filled in one of the following ways:

(a) By the transfer of some one in the service of the Department of State whose duties had been of a character to qualify him for consular work.

(b) By the appointment of a person who had previously served in a satisfactory manner in the Department of State.

(c) By the appointment of a person who had furnished evidence of character, had then been selected by the President for examination and had been found to be qualified.

The examination, based upon this order, was both oral and written. The written examination was entirely technical and covered the principal portions

of the consular regulations applicable to the duties of the post to which the candidate desired to be appointed. The oral examination, which was stenographically reported, was broader and was designed to bring out the personal fitness and qualifications of the candidate. It included a test of the candidate's ability to speak the language of the country in which his prospective post was situated or the French language. For the time being the examination proved to be a fairly satisfactory test of the qualifications of the candidates and the board of examiners did their work thoroughly and conscientiously. Of the 13 candidates examined before the 4th of March, 1896, 8 passed and 5 were rejected. (Foster: Practice of Diplomacy, p. 240.)

But the end of the administration was too near to permit the new system to have a fair trial in the hands of those who were responsible for it. Moreover, President Cleveland's removal at the beginning of his term of the majority of the consuls general, consuls, and commercial agents and the appointment in their places of persons who had contributed to the success of the party weakened the effect of the order and gave reasonable excuse for a similar course on the part of his successor. President McKinley left the order unchanged, but any impression of permanency of tenure was soon removed by the prompt recall of many of the most capable consuls and the appointment in their places of friends of the administration. Of the 272 consuls then in office 238 were recalled and new and untried men put in their places. (Century Magazine, vol. 35, 1898-99, p. 604.) The examination which had been of some real value under the preceding President was too tedious a process in view of the large number of candidates that came within its scope. Gradually the standard was lowered; the oral and most important part of the examination was at first conducted in a perfunctory manner and later discontinued altogether; the written test was at last rendered so simple that it amounted merely to a test of ability to memorize. It has been said that of 112 candidates examined at the beginning of the administration of President McKinley only one was rejected. (Century Magazine, vol. 35, 1898-99, p. 604.)

The strong protests made at the time by the press of both of the leading political parties against the large number of removals were due in a measure to a better appreciation on the part of the public of the nature of the duties which consuls were called upon to perform and a clearer understanding of the vital importance of our commercial and other interests abroad of greater permanency of tenure and of a change in the method of selecting candidates for appointment. In the early years of our history the duties of our consuls were very largely confined to the care and protection of our merchant marine. But as the import trade increased, it became desirable more effectually to safeguard the customs revenues and consuls were directed to require foreign exporters to the United States to make oath before them to the value of the merchandise whenever it was subject to an ad valorem duty at the American port of entry. Gradually this function had been extended until every invoice of imported merchandise valued at more than \$100 was required to bear a certificate of an American consul to the correctness of the market value of the merchandise. The practical utility of the certification of invoices was shown during the early part of President McKinley's administration. A consul general in Europe having become convinced that the merchandise exported from his district was being invoiced below its true market value, began a careful expert investigation for the purpose of ascertaining the cost of manufacture and actual selling price, with the result that upon the strength of information supplied to the customs officers the revenues from merchandise exported from his district alone were increased approximately \$800,000 a year. (H. Rep. No. 1313, 57th Cong., 1st sess.) Consuls had also become guardians of the health of our seaport cities by virtue of the law which required vessels bound for the United States to obtain consular bills of health which made it possible for the quarantine officers at our ports to know the exact sanitary and health conditions prevailing at foreign ports at which the vessels had touched and the condition of the vessels and their crews and cargoes at the time of their departure for the United States. Though less frequently than at the time when the United States possessed a large merchant marine, consuls still exercised important functions in quelling mutinies and returning accused sailors for trial in this country; acting as protectors of American seamen in their discharge abroad and in the collection of wages due them, maintaining them when ill or destitute and under some conditions affording them transportation home. The receiving of protests and declarations, one of the first duties imposed upon consuls by law, and the general

powers of notaries public, which had been conferred upon them brought them into close contact with many of our citizens. The protection of American citizens abroad had always constituted one of the most important duties of consular officers and one of the most severe tests of their efficiency. It is the duty of a consul to endeavor upon all occasions to maintain and promote all the rightful interests of his countrymen; to protect them in all the privileges provided for by the treaty or conceded by usage; and to aid them before the local authorities of the foreign country in all cases in which they may be injured or oppressed. But anything less than an early release of an offending citizen from a foreign prison frequently calls forth complaint against the consul, and these complaints, although usually unjust, contributed much to the development of a sentiment in favor of reform. More important, however, was the dissatisfaction with the administration of justice by consular officers in so-called un-Christian countries. Our consuls were empowered by the early treaties with the Barbary States to settle all disputes between their countrymen and to be present at the trial in the local courts of cases to which Americans and subjects of the Barbary States were parties. These powers were somewhat enlarged in respect to American citizens in Turkey by the treaty of 1830 with the Ottoman Porte. The treaty of 1844 with China gave to American consuls in that country jurisdiction over all cases between citizens of the United States, and over all cases in which Americans were defendants. This jurisdiction was further enlarged by the treaty of 1880 with China which secured to our consuls the right to be present at the trials of cases in the Chinese courts to which American citizens might be parties. The law of 1848 as amended by later statutes (act of June 22, 1860, 12 Stat. L., p. 22; act of July 1, 1870, 16 Stat. L., p. 184; act of Mar. 23, 1874, 18 Stat. L., p. 23) defined the manner in which cases should be tried, and gave to consuls jurisdiction over all cases, civil and criminal, including capital offenses. In civil cases in which the matter in dispute was above \$500 and below \$2,500 an appeal could be taken from the consul to the American minister in China, and cases involving more than \$2,500 could be appealed to the circuit court of California when the defendant held the decision erroneous in point of law. Criminal cases could be appealed to the minister and under certain conditions from him to the circuit court of California. These acts were made applicable to Turkey and other countries in which the United States exercised extraterritorial jurisdiction so far as might be permitted by our treaties. The importance of the intelligent and rightful discharge of these duties, involving the lives and civil rights of American citizens, is apparent. Unfortunately, many of our consuls who were called upon to exercise judicial functions had not been trained in the law, and several of them so discharged these duties as to bring upon themselves severe criticism.

The most potent factor in the movement of reform, however, was the realization that consuls could be instrumental in aiding materially in the development of our export trade. Prior to 1856 there had been published at long intervals compilations of the reports of consuls upon commercial subjects. The law of 1856 authorized the annual publication of consular reports, but in 1880 the Secretary of State, Mr. Evarts, inaugurated a monthly publication entitled *Consular Reports*. (Hunt: *The Department of State*, p. 143.) To satisfy the public demand for information upon special subjects connected with trade this was soon followed by another volume issued from time to time under the title of *Special Consular Reports*. As the public interest in the commercial information furnished by consuls continued to increase, a plan was adopted, largely as an experiment, of publishing daily all consular reports of current value under the title of *Advance Sheets of Consular Reports*. The first issue appeared January 1, 1898. The extracts from it which were printed in the daily newspapers did more, perhaps, than anything else to impress the public, and the business man in particular, with the fact that by supplying timely information consuls could perform a service of the utmost importance to our manufacturing and other interests and greatly aid in the sale of our products abroad. This afforded a practical basis upon which to demand a reorganization of the Consular Service, and with a better understanding of the other duties of consuls and a clearer appreciation of the manner in which they should be discharged, public sentiment in support of an efficient consular system rapidly developed.

The commercial organizations over the country began to manifest an interest in the subject. The national board of trade appointed a regular committee on consular reform. The Cleveland (Ohio) Chamber of Commerce, represented by Mr. Harry A. Garfield, brought about an organization of the chambers of com-

merce and boards of trade in the principal cities of the country. (S. Rept. No. 499, 57th Cong., 1st sess.) Later the National Business League of Chicago and the New York Board of Trade and Transportation undertook a systematic campaign on even broader lines. The bills so far presented had failed to meet with the entire approval of the commercial organizations, and besides there was lack of harmony among friends of the movement in both Houses of Congress. With a view of concentrating the efforts upon one measure upon which all could agree, and which should embody all the essential principles in the most simple and practical form, a bill was drafted by Gaillard Hunt, now Chief of the Bureau of Citizenship of the Department of State, which was acceptable to the commercial organizations and subsequently to the men in the Senate and House of Representatives who were in favor of reform. The bill was first introduced in the Senate by Senator Lodge, of Massachusetts, and later in the House of Representatives by Mr. Adams, of Pennsylvania.

No action was taken except to report it favorably in each House, but the bill continued to be presented anew at each session of Congress.

Fortunately for the success of consular reform Elihu Root became Secretary of State in the summer of 1905, and one of the first subjects to which he directed his attention was the improvement of the Consular Service. In collaboration with Senator Lodge, he drafted a bill following the general lines of those which has preceded it, but in addition providing for five inspectors of consulates, prohibiting consuls from engaging in business and from practicing law for compensation, and prohibiting the employment in consular offices of any but American citizens in clerical positions the annual salaries of which were \$1,000 or more. (S. Rept. No. 112, 59th Cong., 1st sess.) One of the vital features of this bill was a provision for the appointment of candidates to the two lowest grades after having passed an examination to test their fitness, and the filling of vacancies in the higher grades by the promotion of officers from the lower grades of the service. This and other important provisions in the bill were not acceptable to the Senate, however, and were stricken out in the Committee on Foreign Relations. It had been desired also to obtain the consent of the Senate to the appointment of consuls to grades of the service without respect to place in order that they might be assignable in the discretion of the President and thus secure greater flexibility of administration; but this provision was also disapproved, so that when finally passed by Congress the bill classified the service by providing for 310 consulates general and consulates at as many foreign ports; it arranged these offices in 16 classes with salaries of from \$2,000 to \$12,000 each; it created five inspectors of consulates; prohibited the appointment of foreigners to clerkships in consulates with annual salaries of \$1,000 or more; prohibited consuls from engaging in business or practicing law or being interested in the fees of any lawyer; required the performance of notarial services which had theretofore been optional; required all fees to be paid into the Treasury; made the salary provided by law the sole compensation of an officer; and provided for the use of adhesive fee stamps as a check against failure to account for fees that might be collected. (H. Rept. No. 2281, 59th Cong., 1st sess.)

Although this act was almost wholly administrative in character, in no sense touched the existing system of appointments and made no provision in regard to the tenure of office, it specifically abolished the personal-fee system and provided more liberal salaries, and made it possible to organize the service upon a plan designed to promote efficiency. Before the act became effective, on the 30th of June, 1906, a large number of promotions had been made on the basis of an efficiency record established in the Department of State by Secretary Root. These promotions indicated a determination on the part of the President and the Secretary of State to adopt regulations in harmony with those provisions of the bill which had failed to receive the approval of Congress. Then five of the most experienced officers were called home to consult with the Chief of the Consular Bureau and assist in outlining the regulations made necessary by the new act. The moral effect of this step was alone sufficient to justify this departure from the traditional policy of the Department of State. As a result of the deliberations of these officers regulations were prepared for the newly created inspection force, outlining the scope of their investigations and the manner in which they were to be conducted; suggestions were made for the examination of candidates for admission to the service, and many improvements in the general regulations were agreed upon.

Having failed to induce Congress to enact a law regulating the selection of persons for appointment to the Consular Service, President Roosevelt, upon the advice of Secretary Root and in the exercise of the constitutional powers of his

office and the power conferred upon him by statute, issued an order on June 27, 1906, which, with the regulations of the board of examiners created by that order, inaugurated a system governing appointments and promotions, which is substantially as follows:

1. A board of examiners, consisting of the Third Assistant Secretary of State, the Chief Clerk of the Department of State, and the Chief Examiner of the Civil Service Commission, whose duty it is to formulate rules and hold examinations of candidates for admission to the Consular Service.

2. The examination is open only to persons between the ages of 21 and 50 who are American citizens of good moral character and habits, physically and mentally qualified for the proper performance of consular work, and who have been especially designated by the President for appointment, subject to examination. The age limit in the examination for student interpreter is from 19 to 26, inclusive, and the candidate must be unmarried.

3. The examination is both written and oral, each part counting equally and requiring an average on both of at least 80 in order to pass. The subjects embraced in the written examination are: One modern language other than English; the natural, industrial, and commercial resources and commerce of the United States, with special reference to the possibilities of increasing and extending the foreign trade of the United States; political economy; the elements of international, commercial, and maritime law; American history, government, and institutions; political and commercial geography; arithmetic; the history since 1850 of Europe, Latin America, and the Far East, with particular attention to political, commercial, and economic tendencies. To become eligible for appointment as consul in a country in which the United States exercises extra Territorial jurisdiction a supplementary examination in the common law, the rules of evidence, and the trial of civil criminal cases is required. The oral examination is designed to determine the candidate's character, business ability, alertness, general contemporary information, and natural fitness for the service, including moral, mental, and physical qualifications, character, address, and general education, and good command of the English language.

4. Candidates who successfully pass the examination may be appointed only to the eighth or ninth grade of consuls, or as vice or deputy consuls, consular clerks, or student interpreters.

5. Persons serving in the Department of State, with annual salaries of \$2,000 or more, may be promoted to any grade of the Consular Service above the eighth grade.

6. Vacancies in offices above the eighth grade are to be filled by promotion from the lower grades of the service.

7. Vacancies in classes eight and nine are to be filled (a) by the promotion of consular clerks, vice consuls, deputy consuls, consular agents, and student interpreters, who shall have been appointed upon examination; or (b) by new appointments of candidates who have passed a satisfactory examination.

8. No promotion is to be made except for efficiency as shown by the ability of the officer, his promptness, diligence, and general conduct and fitness.

9. The political affiliations of candidates are not to be considered, and other things being equal, appointments are to be so made as to secure proportional representation of all the States and Territories in the Consular Service.

It may be explained that the examination is not competitive, but the high standard fixed by the President's order, and the number and character of the subjects which the examination is required to cover afford ample assurance that no one not well qualified is likely to be appointed consul.

President Roosevelt's order marks the beginning of a new era in our foreign service, and if enforced strictly will in time give the United States a consular system second to none in all the world. The establishment by Secretary Root of an efficiency record upon which a consul must depend for advancement or even retention has already had a stimulating effect upon the entire service. It is no longer sufficient that a consul should be able merely to exhibit a clean record free from complaints or criticisms. He must now produce positive results of more than average character if he would be rated relatively high in the scale of efficiency. He may no longer rest content in the knowledge that his friends at home will aid him in a desire to reach higher rank in his chosen field of endeavor. The only friend of real service to him now is a record of efficient and faithful performance of duty.

Through the instrumentality of the system of inspection, the Department of State, for the first time in its history, will soon be in possession of detailed reports upon every American consular office in the world. The practical value

of these reports to the officers in charge of the administration of consular affairs at home can scarcely be overestimated. For years, with the exception of partial inspections authorized by Congress at long intervals, there have been no means of ascertaining the condition of the great majority of offices except through statements of the officers themselves or of American travelers who have had occasion to visit them. There is no doubt that the inspection will suggest many improvements that may be made, and that it will be followed by wiser and more intelligent administration, better discipline, and more practical results.

It is clear that substantial progress in the improvement of our Consular Service has been made, but whether the results already accomplished are to be permanent is by no means certain. So long as the present administration continues in power the President's order will be enforced, but there is always danger that a succeeding administration may be less favorable to a system which bases appointments upon fitness regardless of other considerations, and that the work of the past year may go for naught. It is for this reason that those who are especially interested in an efficient and representative consular force are already engaged in furthering a movement to the end that Congress may be induced to embody the Executive order in a law, or at least to formally approve the principles of the order by joint resolution. In one of these courses appears to lie the only hope at present of insuring the permanency of the existing system of appointments and the development of a body of consular officers qualified by training and experience to deal with the delicate and difficult problems of our foreign commerce and to protect the increasing personal and financial interests of our citizens in foreign lands.

WILBUR J. CARR.

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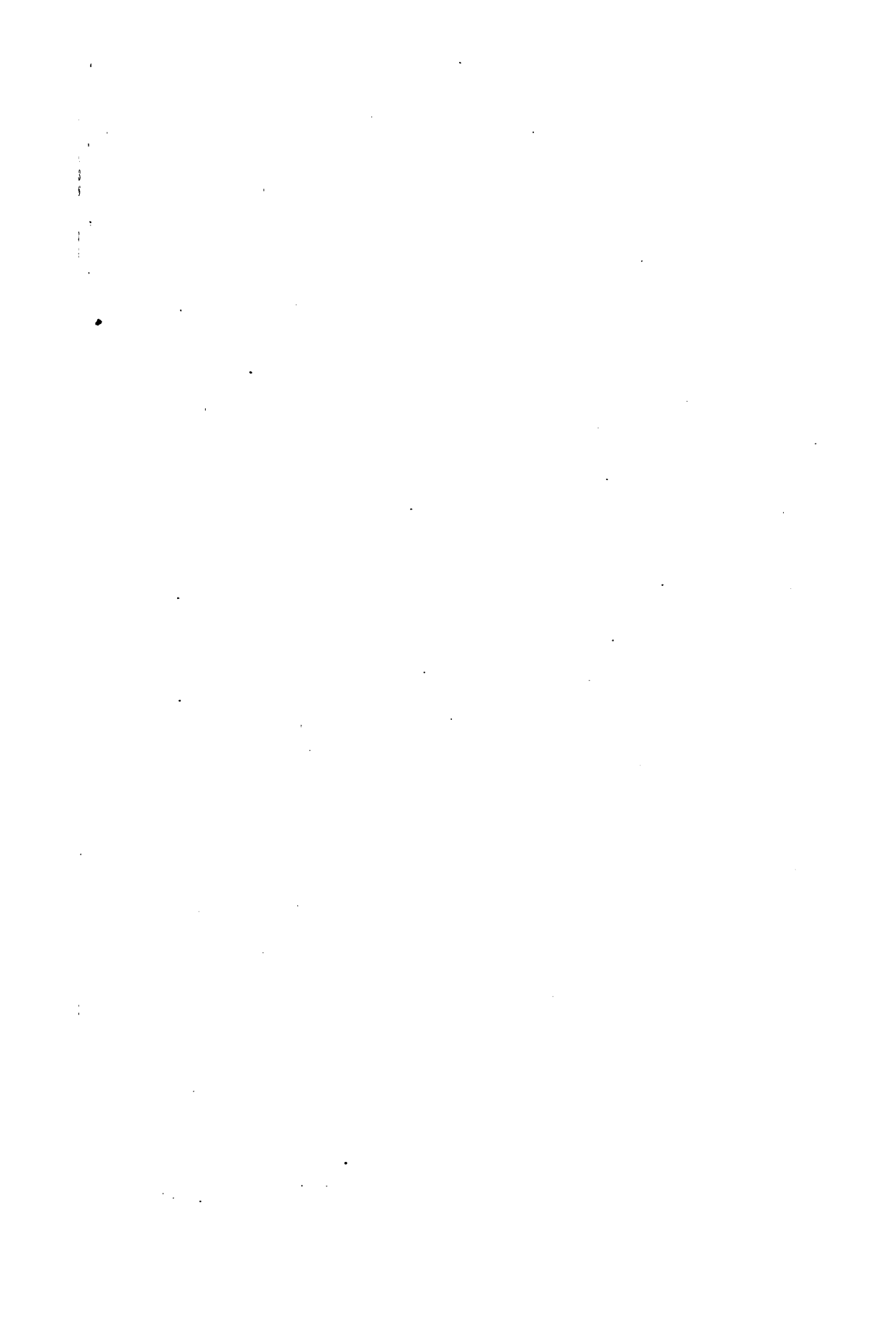
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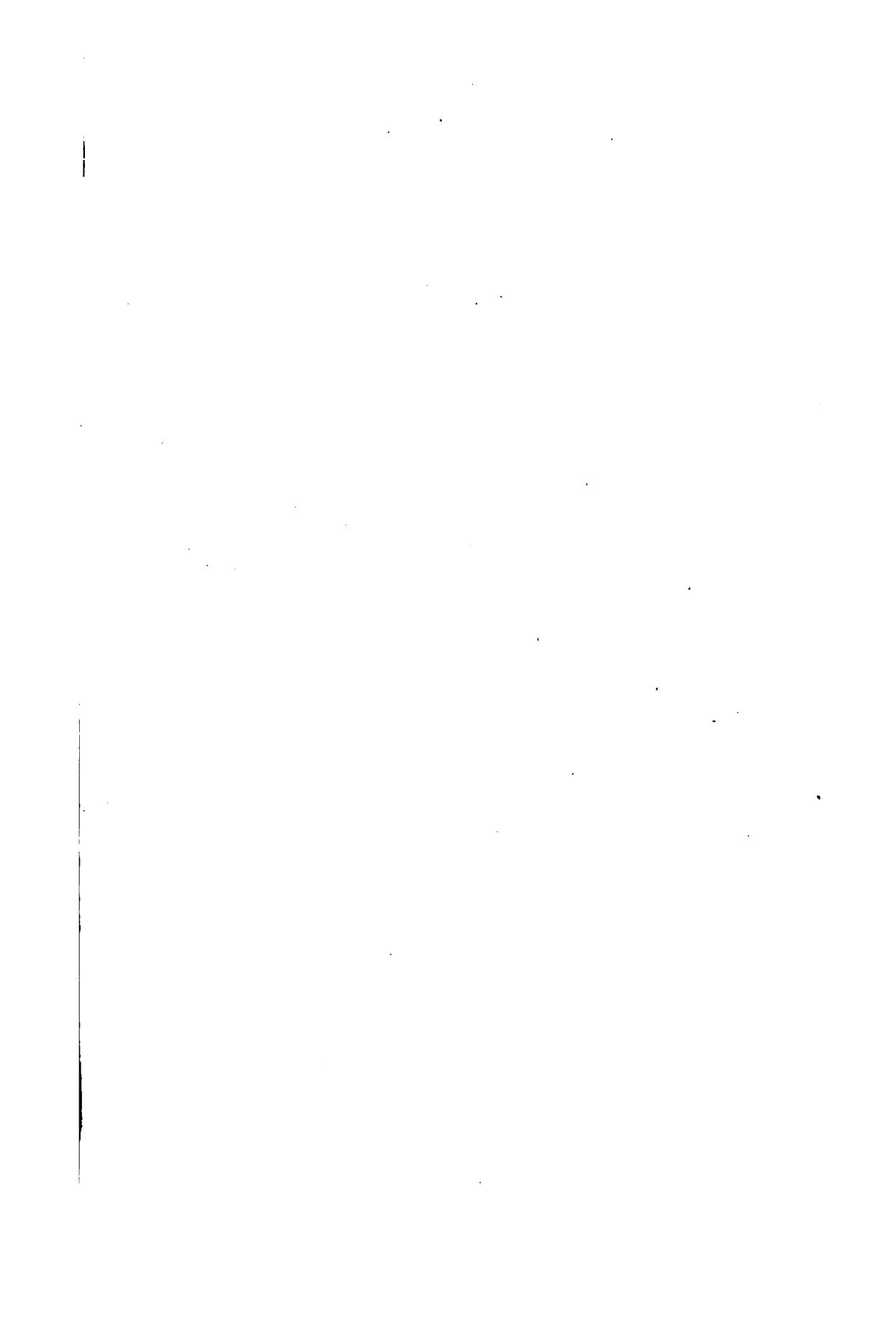
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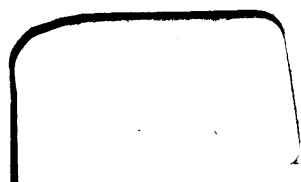
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